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STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

10th JUDICIAL DISTRICT

2020 JUL -1 PM 2:04

WAKE COUNTY

CVS

DANIEL J. FOREST, as LIEUTENANT
GOVERNOR OF NORTH CAROLINA
and a MEMBER OF THE NORTH
CAROLINA COUNCIL OF STATE
Plaintiff

v.

ROY ASBERRY COOPER, III, in his
official capacity as GOVERNOR OF
NORTH CAROLINA
Defendant

COMPLAINT AND MOTION FOR
TEMPORARY AND PERMANENT
INJUNCTION; REQUEST FOR
EXCEPTIONAL CASE DESIGNATION
RECOMMENDATION

Plaintiff, complaining of Defendant, alleges and says:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Daniel J. Forest is the elected Lieutenant Governor of North Carolina having been re-elected in the 2016 General Election. He is a citizen and resident of Wake County.

2. As the Lieutenant Governor, Daniel J. Forest sits as a member of the North Carolina Council of State.

3. Defendant Roy Asberry Cooper, III is the elected Governor of North Carolina, having been elected in the 2016 General Election and having assumed office on January 1, 2017. He is a citizen and resident of Wake County. Governor Cooper is being sued in his official capacity as Governor of North Carolina.

4. The Court has subject matter jurisdiction over the matters contained in this complaint and has personal jurisdiction over all parties named in this complaint.

5. The Court has the authority to provide declaratory relief. N.C. Gen. Stat. § 1-253 (2020).

6. Venue is proper in Superior Court, Wake County.

7. The Court is authorized to provide injunctive relief. N.C. Gen. Stat. §§ 7A-245 & 1A-1, Rules 57 & 65 (2020).

8. Plaintiff respectfully requests that the Court recommend to the Chief Justice pursuant to N.C. R. Prac. Super. & Dist. Ct. 2.1 that this case be designated as exceptional.

BACKGROUND AND FACTUAL ALLEGATIONS

9. It is important to begin with what this action is not. This action does not concern whether defendant's actions in response to the spread of coronavirus disease 19 (COVID-19) were necessary, reasonable, wise, or driven by science, data, or facts. This action concerns the manner in which these actions were taken. The manner in which defendant took these actions is in violation of law as set out in this complaint.

10. This action is about the rule of law. That the chief executive must follow the law is as old as the idea of the rule of law itself. The legal maxims *rex legi subjectus est* (the king is subject to the law) and *lex non a rege est violanda* (the law is not to be violated by the king) make this principle absolutely clear.

11. The Constitution of North Carolina does not envision a unitary executive power. While the Constitution provides that "[t]he executive power of the State shall be vested in the Governor," N.C. Const. Art. III § 1, the Constitution also provides for other executive officers that reside outside of the executive power of the governor. See N.C. Const. Art. III § 7(1)

(establishing “[a] Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance”). Each member of the executive branch executes the law in some way, and thus wields executive power. (“[t]heir respective duties shall be prescribed by law.” N.C. Const. Art. III § 7(2)).

12. The executive power of the governor is not unlimited and portions of the overall executive power may be vested in other executive officials as “prescribed by law.”

13. Our statutes have long recognized that executive authority can be granted by both the General Assembly and the Governor. *See, e.g.* N.C. Gen. Stat. § 143A-20 (2016) (“The Secretary of State shall have such powers and duties as are conferred on him by this Chapter, delegated to him by the Governor, and conferred by the Constitution and laws of this State.” (emphasis added)); N.C. Gen. Stat. § 143A-25 (2016) (“The State Auditor shall have such powers and duties as are conferred on him by this Chapter, delegated to him by the Governor, and conferred by the Constitution and laws of this State.” (emphasis added)); *see also* N.C. Gen. Stat. § 143A-31 (Treasurer); N.C. Gen. Stat. § 143A-49.1 (Attorney General); N.C. Gen. Stat. § 143A-57 (Commissioner of Agriculture); N.C. Gen. Stat. § 143A-68 (Commissioner of Labor); N.C. Gen. Stat. § 143A-74 (Commissioner of Insurance); N.C. Gen. Stat. Chapter 115C (Superintendent of Public Instruction).

14. More specifically to the Lieutenant Governor, the only elected official to have both legislative and executive powers and duties, the Constitution sets out his duties, in part, as follows: “The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate is equally divided. He shall perform such *additional duties as the General Assembly* or the Governor may assign to him. . . .” N.C. Const. Art. III § 6. (emphasis added).

15. The North Carolina Emergency Management Act provides in N.C. Gen. Stat. § 166A-19.30(b) that the most expansive statewide powers of the Governor can only be exercised during a declared state of emergency “with the concurrence of the Council of State.”

16. The Council of State is comprised of the statewide elected executive officials of North Carolina whose offices are established by Article III of the North Carolina Constitution, N.C. Const. Art. III, § 8.

17. Thus, the Emergency Management Act is an exercise of the General Assembly’s authority to “prescribe by law” the powers and duties of the members of the Council of State, including the Lieutenant Governor, as the Emergency Management Act places the duty on the Council of State to consider carefully the exercise of the most expansive of the Governor’s emergency actions, and places the power to check the exercise of those powers with the Council of State by requiring concurrence in those actions.

18. Defendant, on March 10, 2020, issued Executive Order 116 declaring a state of emergency in response to the spread of COVID-19. Executive Order 116 is attached to this complaint as Exhibit A.

19. In further response to the COVID-19 pandemic, defendant issued multiple executive orders. At issue in this complaint is section 1 of Executive Order No. 118, and Executive Order Nos. 121, 135, 138, 141, and 147. These orders will be referred to collectively as the “Shutdown Orders.” Executive Order Nos. 118, 121, 135, 138, 141, and 147 are attached to this complaint as Exhibits B-G, respectively.

20. Defendant issued Executive Order No. 118 on March 17, 2020, entitled “Limiting Operations of Restaurants and Bars and Broadening Unemployment Insurance Benefits in Response to COVID-19.”

21. Executive Order No. 118 contained Section 1, entitled “Limiting the Sale of Food and Beverages, to Carry-Out, Drive-Through, and Delivery Only.”

22. On March 17, 2020, prior to the issuance of Executive Order No. 118, defendant sought concurrence from the Council of State to prohibit indoor or outdoor seating in restaurants.

23. A majority of the Council of State voted to not concur in defendant’s request.

24. An email exchange between members of the Council of State regarding Executive Order No. 118 is attached as Exhibit H to this complaint.

25. Despite failing to receive the concurrence of the Council of State, defendant still issued Executive Order No. 118, including section 1, exercising the very authority that was prohibited by the Council of State’s vote.

26. On March 27, 2020, defendant issued Executive Order No. 121 entitled, “Stay at Home Order and Strategic Directions for North Carolina in Response to Increasing COVID-19 Cases.”

27. Defendant did not seek and did not receive the concurrence of the Council of State for Executive Order No. 121.

28. On April 23, 2020, defendant issued Executive Order No. 135 entitled “Extending Stay at Home Order and Orders Limiting Mass Gatherings, Requiring Social Distancing, and Restricting Visitation at Long Term Care Facilities.”

29. Defendant did not seek and did not receive the concurrence of the Council of State for Executive Order No. 135.

30. On May 5, 2020, defendant issued Executive Order No. 138 entitled “Easing Restrictions on Travel, Business Operations, and Mass Gatherings: Phase 1.”

31. Defendant did not seek and did not receive the concurrence of the Council of State for Executive Order No. 138.

32. On May 20, 2020 defendant issued Executive Order No. 141 entitled “Easing Restrictions on Travel, Business Operations, and Mass Gatherings: Phase 2.”

33. Defendant did not seek and did not receive the concurrence of the Council of State for Executive Order No. 141.

34. On June 24, 2020, defendant issued Executive Order No. 147 entitled “Extension of Phase 2 Order and New Measures to Save Lives in the COVID-19 Pandemic”

35. Defendant did not seek and did not receive the concurrence of the Council of State for Executive Order No. 147.

36. N.C. Gen. Stat. § 166A-19.30(c) provides that defendant has certain powers if local control is insufficient to manage the emergency, however, the language of the Shutdown Orders themselves and ordinary principles of statutory construction demonstrate that N.C. Gen. Stat. § 166A-19.30(c) does not grant defendant the power he purports to exercise in the Shutdown Orders.

37. N.C. Gen. Stat. § 130A-145 grants the State Health Director quarantine and isolation authority.

38. The quarantine and isolation authority granted under N.C. Gen. Stat. § 130A-145 may only be exercised by the State Health Director when “all other reasonable means for correcting the problem have been exhausted, and no less restrictive alternative exists.” N.C. Gen. Stat. § 130A-145(a).

39. The Shutdown Orders further appear to be an exercise of the authority provided to the State Health Director under N.C. Gen. Stat. § 130A-145.

40. In Executive Order 118, defendant states, “pursuant to N.C. Gen. Stat. § 130A-145(a), the State Health Director has the power to exercise quarantine and isolation authority when the public health is endangered;” and further “Per N.C. Gen. Stat. § 130A-145(a), the State Health Director is exercising quarantine and isolation authority to limit access to facilities that sell food and beverage to carry-out, drive-through and delivery services only.”

41. N.C. Gen. Stat. § 130A-145(d) provides in part “The official who exercises the quarantine or isolation authority shall give the persons known by the official to be substantially affected by the limitation reasonable notice under the circumstances of the right to institute an action to review the limitation.”

42. Upon information and belief, neither the State Health Director, nor the defendant, who is purporting to exercise the State Health Director’s authority, has issued to any person reasonable notice of their right to institute an action to review the limitations prescribed by the Shutdown Orders.

43. N.C. Gen. Stat. § 130A-145(d) further provides that quarantine or isolation limits that restrict the freedom of movement or access of a person “shall not exceed 30 calendar days.”

44. The Shutdown Orders have persisted for longer than 30 days.

45. N.C. Gen. Stat. § 130A-145(d) further provides “[i]f the State Health Director . . . determines that a 30-calendar-day limitation on freedom of movement or access is not adequate to protect the public health, the State Health Director . . . must institute in superior court in the county in which the limitation is imposed an action to obtain an order extending the period of limitation of freedom of movement or access.”

46. Upon information and belief, neither the State Health Director, nor the defendant who is purporting to exercise the State Health Director's authority, has instituted an action in superior court, Wake County, to obtain an extension order.

47. Despite the impact on the freedom of movement the Shutdown Orders have in all 100 of North Carolina's counties, upon information and belief, neither the State Health Director, nor the defendant who is purporting to exercise the State Health Director's authority, has instituted an action in superior court in any county to obtain an extension order.

CLAIM FOR RELIEF #1 – VIOLATION OF EMERGENCY MANAGEMENT ACT

48. The above paragraphs are hereby incorporated by reference as if set forth herein.

49. The Shutdown Orders are in violation of the Emergency Management Act in that defendant failed to receive the concurrence of the Council of State prior to the Shutdown Orders being issued. N.C. Gen. Stat. § 166A-19.30(b).

50. The Shutdown Orders are in violation of the Emergency Management Act in that defendant was not authorized by the Emergency Management Act, specifically N.C. Gen. Stat. § 166A-19.30(c) as the statutory criteria of insufficient local control for the exercise of those powers by defendant was not met. In fact, many of the Shutdown Orders provide that local government orders that are "more strict" than the Shutdown Orders remain in effect and control over the terms and conditions of the Shutdown Orders.

51. Because the statutory criteria for gubernatorial action under N.C. Gen. Stat. § 166A-19.30(c) was not met, defendant would be authorized to act pursuant to N.C. Gen. Stat. § 166A-19.30(b), but only with the concurrence of the Council of State.

52. Even if the statutory criteria for gubernatorial action under N.C. Gen. Stat. § 166A-19.30(c) had been met, ordinary principles of statutory construction make it clear that

when the Governor exercises statewide emergency authority as used in the Shutdown Orders, it is required that Council of State concurrence is obtained pursuant to N.C. Gen. Stat. § 166A-19.30(b).

53. Defendant's publicly stated legal rationale and the multiple statutory authorities cited in the Shutdown Orders, if correct, would render N.C. Gen. Stat. § 166A-19.30(b) a superfluity, and thus Defendant's rationale cannot be correct.

54. As the Shutdown Orders were executed in violation of the Emergency Management Act, specifically in violation of N.C. Gen. Stat. § 166A-19.30, they are null, void, and without effect.

55. Plaintiff, as a member of the Council of State, is entitled to relief so that he may execute the duties of his office, which includes the duty to concur or not concur with certain proposed gubernatorial actions like those found in the Shutdown Orders.

56. Should defendant desire to take executive action in the future like those actions found in the Shutdown Orders, he may only do so with the concurrence of majority of the Council of State.

**CLAIM FOR RELIEF #2 – VIOLATIONS OF THE QUARANTINE &
ISOLATION STATUTES**

57. The above paragraphs are hereby incorporated by reference as if set forth herein.

58. Defendant's Shutdown Orders are effectively acting as a statewide exercise of quarantine and isolation authority.

59. This exercise was in violation of N.C. Gen. Stat. § 130A-145, as stated in the above paragraphs, as the Shutdown Orders seek to circumvent the procedures, including judicial review, as found in N.C. Gen. Stat. § 130A-145.

60. The Emergency Management Act and the Quarantine and Isolation Statutes make it abundantly clear that neither defendant nor his subordinates have unchecked power during these situations.

61. If defendant seeks to act under the Emergency Management Act, then defendant must comply with the provisions of the act and seek the concurrence of the Council of State where required.

62. If defendant seeks to act through the State Health Director under quarantine and isolation authority, then that action is subject to the standards, judicial review, and notice requirements of N.C. Gen. Stat. § 130A-145.

63. As neither defendant nor his State Health Director complied with the provisions of N.C. Gen. Stat. § 130A-145, the Shutdown Orders are null, void, and of no effect.

PRAYER FOR RELIEF

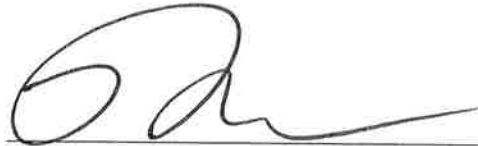
WHEREFORE, plaintiff prays the Court for relief as follows:

1. That the Court recommend to the Chief Justice that this case be designated exceptional under Rule 2.1 of the Rules of Practice for Superior and District Court.
2. A temporary restraining order prohibiting defendant and anyone under the defendant's control from enforcing the Shutdown Orders until the provisions of those orders have the concurrence of a majority of the members of the Council of State.
3. A permanent injunction prohibiting defendant and anyone under the defendant's control from enforcing the Shutdown Orders until the provisions of those orders have the concurrence of a majority of the members of the Council of State.
4. An order declaring the defendant's Shutdown Orders to be null, void, and of no effect as violative of N.C. Gen. Stat. § 166A-19.30 and N.C. Gen. Stat. § 130A-145, and

prohibiting the issuance of subsequent orders of a similar nature without the concurrence of a majority of the members of the Council of State.

5. To recover the costs of this action.
6. Any and all other relief to which the plaintiff is entitled.

This 1st day of July, 2020.

A handwritten signature in black ink, appearing to read 'David Walker', written over a horizontal line.

David "Steven" Walker
Attorney for Plaintiff
Lieutenant Governor Dan Forest
General Counsel,
Office of the Lieutenant Governor
N.C. Bar #34270
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Raleigh, NC 27601
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**Plaintiff's Complaint
Exhibit A**

State of North Carolina

ROY COOPER
GOVERNOR

MARCH 10, 2020

EXECUTIVE ORDER NO. 116

**DECLARATION OF A STATE OF EMERGENCY TO COORDINATE RESPONSE
AND PROTECTIVE ACTIONS TO PREVENT THE SPREAD OF COVID-19**

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has warned of the high public health threat posed by COVID-19 globally and in the United States and has deemed it necessary to prohibit or restrict travel to areas designated by the CDC; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 319 of the Public Health Service Act; and

WHEREAS, the North Carolina Department of Health and Human Services ("NCDHHS") confirmed multiple cases of COVID-19 in North Carolina as of March 10, 2020; and

WHEREAS, NCDHHS has organized a Public Health Incident Management Team to manage the public health impacts of COVID-19 in this state; and

WHEREAS, health insurance companies have begun to waive the costs for COVID-19 testing and are encouraged to continue to ensure ease of access to health care for diagnostics and treatment without regard to the issue of cost or a patient's ability to pay; and

WHEREAS, first responders and health care professionals remain integral to ensuring the state is best situated to respond to and mitigate the threat posed by COVID-19 and such first responders and health care professionals should have the availability of all necessary personal protective equipment and continue to follow all necessary response protocols; and

WHEREAS, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the undersigned to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), the undersigned, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the congregation of persons in public places or buildings; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the undersigned, with the concurrence of the Council of State, may perform and exercise other such functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(7), the undersigned has authority to requisition state property and state resources to utilize state services, equipment, supplies and facilities in response to a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70, the undersigned may declare that the health, safety, or economic well-being of persons or property requires that the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 and similar rules should be waived for essentials, as defined in N.C. Gen. Stat. § 166A-19.70(f)(3), for assisting in the restoration of utility services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70(g), upon the recommendation of the North Carolina Commissioner of Agriculture and the existence of an imminent threat of severe economic loss of livestock, poultry or crops ready to be harvested, the Governor shall direct the North Carolina Department of Public Safety ("DPS") to temporarily suspend weighing vehicles used to transport livestock, poultry or crops to include timber ready to be harvested; and

WHEREAS, 49 C.F.R. § 390.23 allows the governor of a state to suspend the rules and regulations under 49 C.F.R. §§ 390-399 for up to thirty (30) days if the governor determines that an emergency condition exists; and

WHEREAS, the undersigned, in consultation with the Secretary of NCDHHS, has determined it is necessary and appropriate to act to ensure that COVID-19 remains controlled and that residents and visitors in North Carolina remain safe and secure; and

WHEREAS, the undersigned has sought and obtained concurrence from the Council of State consistent with the Governor's emergency powers authority in N.C. Gen. Stat. § 166A-19.30.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. State of Emergency

I hereby declare a State of Emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19) for the State of North Carolina based on the public health emergency posed by COVID-19.

The emergency area, as defined in N.C. Gen. Stat. §§ 166A-19.3(7) and 166A-19.20(b) is the State of North Carolina (the "Emergency Area").

Section 2. Application

All state and local government entities and agencies are ordered to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan (the "Plan").

Section 3. Delegation of Authority

I delegate to Erik A. Hooks, the Secretary of the North Carolina Department of Public Safety ("DPS"), or his designee, the power and authority granted to and required of me by Article 1A of Chapter 166A of the North Carolina General Statutes for the purpose of implementing the Plan and deploying the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

Secretary Hooks, or his designee, shall implement the Plan in coordination with the Secretary of the Department of Health and Human Services, Dr. Mandy Cohen, and the State Health Director, Dr. Elizabeth Tilson.

Section 4. Exercise of Powers

Further, Secretary Hooks, as Chief Coordinating Officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. §§ 143B-602 and 166A-19.11.

Section 5. Maximum Hours of Service

In order to ensure adequacy and location of supplies and resources to respond to COVID-19, DPS, in conjunction with the North Carolina Department of Transportation ("DOT"), shall waive the maximum hours of service for drivers prescribed by DPS pursuant to N.C. Gen. Stat. § 20-381, if the driver is transporting medical supplies and other equipment in support of the Plan or other efforts to address the public health threat posed by COVID-19, through the duration of the State of Emergency or until further notice.

Section 6. Height and Weight Restrictions

DPS, in conjunction with DOT, shall waive certain size and weight restrictions and penalties arising under N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119, certain registration requirements and penalties arising under N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-449.49 for vehicles throughout the Emergency Area involved in transporting medical supplies and other equipment in support of the Plan or other efforts to address the public health threat posed by COVID-19. Furthermore, pursuant to N.C. Gen. Stat. § 20-118.1, DPS shall temporarily suspend weighing vehicles throughout the Emergency Area used to transport medical supplies and other equipment in support of the Plan or other efforts to address the public health threat posed by COVID-19. Furthermore, pursuant to N.C. Gen. Stat. § 20-118.1, DPS shall temporarily suspend weighing vehicles used to transport livestock, poultry, or crops to include timber ready to be harvested and feed to livestock and poultry in the Emergency Area.

Section 7. Unwaived Size and Weight Restrictions

- I. Notwithstanding the waivers set forth above in Section 6, size and weight restrictions and penalties have not been waived under the following conditions:
 - a. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer (GVWR) or 90,000 pounds gross weight, whichever is less.
 - b. When the tandem axle weight exceeds 42,000 pounds and the single axle weight exceeds 22,000 pounds.
 - c. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total overall vehicle combination's length exceeds seventy-five (75) feet from bumper to bumper.
 - d. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having (i) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend "Oversized Load" in ten (10) inch black letters, 1.5 inches wide and (ii) red flags measuring eighteen (18) inches square on all sides at the widest point of the load. When operating between sunset and sunrise, a certified escort shall be required for loads exceeding eight (8) feet 6 inches in width.
- II. Vehicles subject to this Executive Order shall adhere to the following conditions:
 - a. The size and weight exemption for vehicles will be allowed on all DOT designated routes, except those routes designated as light traffic roads under N.C. Gen. Stat. § 20-118. This Order shall not be in effect on bridges posted pursuant to N.C. Gen. Stat. § 136-72.
 - b. The waiver of regulations under Title 49 of the Code of Federal Regulations ("Federal Motor Carrier Safety Regulations") does not apply to the Commercial Drivers' License and Insurance Requirements. This waiver shall be in effect for thirty (30) days or the duration of the emergency, whichever is less.
 - c. Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are limited to medical supplies and other equipment to be used in support of the Plan or other efforts to address the public health threat posed by COVID-19.
- III. The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 5 through 8 of this Executive Order in a manner that does not endanger North Carolina motorists.

Section 8. Additional Transportation Waivers

Vehicles subject to this Executive Order shall be exempt from the following registration requirements:

- a. The requirement to obtain a temporary trip permit and pay the associated \$50.00 fee listed in N.C. Gen. Stat. § 105-449.49.
- b. The requirement of filing a quarterly fuel tax return as the exemption in N.C. Gen. Stat. § 105-449.45(b)(1) applies.
- c. The registration requirements under N.C. Gen. Stat. § 20-382.1 concerning intrastate for hire authority and N.C. Gen. Stat. § 20-382 concerning interstate for-hire authority; however, vehicles shall maintain insurance as required as required by law.
- d. Non-participants in North Carolina's International Registration Plan and International Fuel Tax Agreement will be permitted to enter North Carolina in accordance with the exemptions identified by this Executive Order.

Section 9. Consumer Protection

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38.

I further hereby encourage the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report price gouging as well as unfair and deceptive trade practice under Chapter 75 of the North Carolina General Statutes to the public.

Section 10. Task Force

I hereby memorialize the establishment of the Governor's Novel Coronavirus Task Force on COVID-19 ("Task Force"). The Director of Emergency Management and the State Health Director shall continue to serve as co-chairs of the Task Force. The Task Force shall continue to work with state, local, and federal partners in responding to challenges posed by COVID-19.

Section 11. State Employee Policy Guidance

- a. I hereby authorize hiring of temporary employees and contractors to support NCDHHS and local health departments in responding to the threats posed by COVID-19.
- b. I hereby authorize the State Health Director to monitor areas of concentration of COVID-19 and make recommendations regarding travel restrictions for travel of state employees conducting state business. Agencies shall have the authority to cancel, restrict or postpone travel of state employees as needed to protect the wellbeing of others. Agencies are urged to cancel travel to restricted areas (as defined by the Division of Public Health of NCDHHS and the CDC). Exceptions to travel restrictions may be needed based on the unique circumstances or job duties of state employees.

Section 12. Public Health Surveillance and Control Measures

Notwithstanding the public health authorities in place under Chapter 130A of the North Carolina General Statutes, I hereby order the State Health Director to work with local health directors to implement public health surveillance and control measures where appropriate for individuals who have been diagnosed with or are at risk of contracting COVID-19 in order to control or mitigate spread of the disease. I hereby order the State Health Director to utilize all authorities under N.C. Gen. Stat. Chapter 130A to obtain information and records necessary to prevent, control, or investigate COVID-19.

Section 13. Laboratory Testing

I hereby order the State Health Director to work with the State Laboratory of Public Health to maximize the availability of laboratory testing for COVID-19.

I further encourage private laboratories and universities to take all reasonable steps to expand COVID-19 testing capacity.

Section 14. Right of Entry and Disinfection for Local Health Departments and NCDHHS Secretary

With the concurrence of the Council of State and notwithstanding the public health authorities in place under Chapter 130A of the North Carolina General Statutes, I hereby grant local health departments, the Secretary of NCDHHS, and Division of Public Health employees serving the Secretary of NCDHHS' agents, and on her direction, a right of entry into public places for the purposes of assisting with or investigating potential COVID-19 cases or exposure and requiring cleaning and disinfecting measures to help control transmission of COVID-19.

Section 15. Cleaning of Regulated Facilities

With the concurrence of the Council of State, I hereby waive restrictions related to the type of product or chemical concentration used to control COVID-19 at facilities whose sanitation is regulated by NCDHHS, if conducted and handled in a safe manner and approved by the local health department in consultation with the Division of Public Health of NCDHHS. The State Health Director may issue additional orders or regulations consistent with the state's Public Health Law to regulate the sanitation of public facilities regulated by NCDHHS or local health departments.

Section 16. Out of State Health Care Licensure and Additional Testing Resources

With the concurrence of the Council of State, I hereby temporarily waive North Carolina licensure requirements for health care and behavioral health care personnel who are licensed in another state, territory, or the District of Columbia to provide health care services within the Emergency Area.

With the concurrence of the Council of State, and in the interest of alleviating immediate human suffering, nothing in Subchapters 32B, 32M, or 32S of Article 21 of the North Carolina Administrative Code shall be interpreted to prevent physicians, nurse practitioners, and physician assistants from issuing a standing order for qualified agents or employees who are working under the direct supervision of a physician, physician assistant or nurse practitioner to collect throat or nasopharyngeal swab specimens from individuals suspected of suffering from a COVID-19 infection, for purposes of testing.

Section 17. Federal Support

I further direct Secretary Hooks, or his designee, to seek assistance from any and all agencies of the United States Government as may be needed to address the emergency and seek reimbursement for costs incurred by the state in responding to this emergency.

Section 18. Local County Public Health Aid Funding Formula

With the concurrence of the Council of State, I hereby grant the Secretary of NCDHHS, or her designee, the authority to waive the formula requirements of 15A NCAC 18A .2901 and adjust aid-to-county funding, if a local health department's resources are diverted in response to COVID-19.

Section 19. Access to State Funds

I hereby order access to the State Emergency Response and Disaster Relief Fund to the extent necessary to cover costs associated with responding to this State of Emergency as provided in N.C. Gen. Stat. § 166A-19.42, including but not limited to the substance of this Executive Order.

Section 20. Purchase and Contract Regulation Waivers

With the concurrence of the Council of State, I hereby temporarily waive Sections .0301 through .0317 of Chapter 5B in Title 1 in the North Carolina Administrative Code to the extent necessary to permit NCDHHS, DPS, and local governmental entities to enter into contracts to secure resources and equipment needed to respond to COVID-19.

In addition to the provisions in Section 11, I further order all components of state government to expedite and prioritize the leasing of real property, including but not limited to, laboratories and health care facilities in order to provide the state with the resources needed to address COVID-19.

Section 21. Cost Sharing Reduction

Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), I hereby direct NCDHHS and the North Carolina Department of Insurance to immediately work with health insurance plans operating in the state to identify any burdens for testing for COVID-19 as well as access to prescription drugs and telehealth services, as needed, in order to reduce cost-sharing (including, but not limited to, co-pays, deductibles, or coinsurance) to zero for all medically necessary screening and testing for COVID-19.

Section 22. Clinical Coverage Policy

With the concurrence of the Council of State, and in order to provide the immediate relief of human suffering, I hereby temporarily waive the regulatory requirements and suspend the enforcement of the statutory requirements under N.C. Gen. Stat. § 108A-54.2 for modifications of Medicaid Clinical Coverage Policy.

I order the NCDHHS, Division of Health Benefits to create coverage policies necessary for Medicaid and Health Choice Beneficiaries to receive medically necessary services for testing and treatment of COVID-19 and to create coverage policies or modify existing policies that will allow beneficiaries to continue to receive necessary services without disruption during the State of Emergency.

Section 23. Inapplicability of Section 166A-19.30(c)

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

Section 24. Distribution

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of DPS, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 25. Effective Date

This Executive Order is effective immediately and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 10th day of March in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





**Plaintiff's Complaint
Exhibit B**

State of North Carolina

ROY COOPER
GOVERNOR

MARCH 17, 2020

EXECUTIVE ORDER NO. 118

**LIMITING OPERATIONS OF RESTAURANTS AND BARS AND BROADENING
UNEMPLOYMENT INSURANCE BENEFITS IN RESPONSE TO COVID-19**

WHEREAS, the undersigned issued Executive Order No. 116 on March 10, 2020 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, on March 14, 2020, the undersigned issued Executive Order No. 117 which prohibited mass gatherings of more than one hundred (100) people in the State of North Carolina and closed K-12 public schools to limit the spread of COVID-19; and

WHEREAS, on March 15, 2020, the Centers for Disease Control ("CDC") updated their guidance for large events and mass gatherings, and recommended that for the next eight (8) weeks, organizers (whether groups or individuals) cancel or postpone in-person events that consist of fifty (50) people or more throughout the United States; and

WHEREAS, on March 16, 2020, the White House issued new guidelines called The President's Coronavirus Guidelines for America -- 15 Days to Slow the Spread of Coronavirus (COVID-19), calling on people to "avoid social gatherings in groups of more than ten (10) people"; and

WHEREAS, the undersigned, pursuant to Section 401 of the Stafford Act is requesting a major disaster declaration from the United States Federal Government; and

WHEREAS, the North Carolina Department of Health and Human Services("NCDHHS") confirmed that the number of cases of COVID-19 in North Carolina continues to rise; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, the Governor has established the Novel Coronavirus Task Force on COVID-19 to work with state, local, and federal partners in responding to challenges posed by COVID-19; and

WHEREAS, NCDHHS has organized a Public Health Incident Management Team to manage the public health impacts of COVID-19 in this state; and

WHEREAS, COVID-19 has caused and will continue to cause substantial economic disruption in North Carolina, including disruptions to employees and employers; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available State resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, the Governor, Secretary of Public Safety, and Director of Emergency Management have the authority to act under N.C. Gen. Stat. §§ 166A-19.10, 166A-19.12, and 166A-19.30(a)-(b); and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(4) gives the Governor the authority to "cooperate and coordinate" with the President of the United States; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set "the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the Governor has the power to "give such direction to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this article; and

WHEREAS, pursuant to N.C. Gen. Stat. § 130A-145(a), the State Health Director has the power to exercise quarantine and isolation authority when the public health is endangered; and

WHEREAS, quarantine authority is defined by N.C. Gen. Stat. § 130A-2(7a) to mean the authority to issue an order to limit the freedom of movement or action of persons or animals which been exposed to or are reasonably suspected of having been exposed to a communicable disease or communicable condition for a period of time as may be necessary to prevent the spread of that disease; and

WHEREAS, under N.C. Gen. Stat. § 130A-2(3), an "imminent hazard" is defined as a situation that is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken; and

WHEREAS, under N.C. Gen. Stat. § 130A-20(a), if the Secretary of Health and Human Service determines that an imminent hazard exists, the Secretary may order the owner, lessee, operator, or other person in control of the property to abate the imminent hazard; and

WHEREAS, quarantine authority is defined by N.C. Gen. Stat. § 130A-2(7a) to also mean the authority to issue an order to limit access by any person or animal to an area of facility that may be contaminated with an infection agent; and

WHEREAS, further action is necessary to protect the health and safety of the residents of North Carolina, slow the spread of the COVID-19 outbreak, protect our most vulnerable citizens, and avoid strain on our health care system; and

WHEREAS, the undersigned has sought and obtained the necessary concurrence from the Council of State consistent with the Governor's emergency powers authority in N.C. Gen. Stat. § 166A-19.30(b) for Sections 2 and 3 of this Order, and reserves the right to act under N.C. Stat. §§ 166A-19.10 and 166A-19.30(a).

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Limiting the Sale of Food and Beverages, to Carry-Out, Drive-Through, and Delivery Only.

- (a) Pursuant to the following authorities, the Governor, in consultation and at the recommendation of the state Secretary of Health and Human Services, the State Emergency Management Director, and the State Health Director, orders the following limitations on the sale of food and beverages to carry-out, drive-through, and delivery only:
 - (i) Per N.C. Gen. Stat. §§ 166A-19.30(c),-19.31(b)(2), the Governor has authority to restrict or prohibit the operation of business establishments and other place to or from which people may travel or at which they may congregate;
 - (ii) Per N.C. Gen. Stat. § 166A-19.10(b)(4), giving the Governor authority to "cooperate and coordinate" with the President of the United States, who issued guidelines directing the reduction of the congregating of persons to no more than ten (10) people the President's Coronavirus Guidelines for America, March 16, 2020, and this Order is cooperating therewith;
 - (iii) Per N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set "the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease," and the Emergency Management Director and State Health Director having done so, have recommended the Governor order the actions identified in this Section;
 - (iv) Per N.C. Gen. Stat. § 130A-20(a), the Secretary has determined an imminent hazard exists and that entities subject to this Section must limit the sale of food and beverages to carry-out, drive-through, and delivery only in order to abate the hazard, and has issued an order of abatement dated March 17, 2020;
 - (v) Per N.C. Gen. Stat. § 130A-145(a), the State Health Director is exercising quarantine and isolation authority to limit access to facilities that sell food and beverage to carry-out, drive-through and delivery services only.
 - (vi) Per N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the Governor has the power to "give such direction to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this article that restaurants are restricted to carry-out, drive-through, delivery, and onsite consumption in outdoor seating areas, subject to mass gathering restrictions to create an environment where staff and patrons maintain social distancing (at least 6 feet from other people) whenever possible. Bars are directed to close. These restrictions are effective as of 5:00pm, Tuesday, March 17, 2020 until March 31, 2020, or until this Order is rescinded or replaced.
- (b) For the purposes of this Order, restaurants are defined as permitted food establishments, under N.C. Gen. Stat. § 130A-248, and other establishments that both prepare and serve food, including but not limited to, restaurants, cafeterias, food halls, dining halls, food kiosks at airports and shopping centers, or educational institutions, ("food courts"), as well as private or members-only clubs where food and beverages are permitted to be consumed on premises.

- (c) For purposes of this Order, bars are defined as establishments that are not restaurants and that have a permit to sell alcoholic beverages for onsite consumption, under N.C. Gen. Stat. § 18B-1001.
- (d) This Order does not direct the closure of retail beverage venues that currently provide for the sale of beer, wine, and liquor for off-site consumption only. It also does not require the closure of production operations at breweries, wineries, or distilleries.
- (e) This Order does not affect grocery stores, pharmacies, convenience stores, gas stations and charitable food distribution sites to the extent they sell or distribute prepared food. However, sit-down food or beverage service within these facilities is prohibited.
- (f) If the Alcoholic Beverage Control Commission "ABC Commission" identifies other state laws, regulations, and policies that may affect bars, restaurants, and other dining establishments identified in this Section, it is directed to inform the Office of the Governor in writing. Upon written authorization from the Office of the Governor, the ABC Commission may interpret flexibly, modify, or waive those state laws, regulations and policies, as appropriate, and to the maximum extent permitted under applicable state and federal law, to effectuate the purposes of this Order.
- (g) In light of this Executive Order, Executive Order No. 117 Section 1(b) (March 14, 2020) is revised as follows:

"A mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers. It also does not include office environments, factories, grocery stores, and child care centers."

These locations or facilities, however, are subject to the dine-in food and beverage restrictions listed in this Order.

Section 2. Unemployment Insurance Policy Related to COVID-19

The undersigned has sought and obtained the necessary concurrence from the Council of State consistent with the Governor's emergency powers authority in N.C. Gen. Stat. § 166A-19.30 (b), and reserves the right to act under N.C. Stat. §§ 166A-19.10 and 166A-19.30(a).

The Department of Commerce, through the Secretary of Commerce and Assistant Secretary of the Division of Employment Security, is directed to ensure that individuals who, as a result of COVID-19, are separated from employment, have had their hours of employment reduced, or are prevented from working due to a medical condition caused by COVID-19 or due to communicable disease control measures, shall be eligible for unemployment benefits to the maximum extent permitted by federal law. For purposes of this Executive Order, communicable disease control measures shall include quarantine or isolation directives or orders related to COVID-19 issued by the State of North Carolina, the federal government, a local governmental entity, or a medical or public health professional.

Section 3. Unemployment Insurance Changes

- (a) To provide the necessary unemployment benefits to those affected by COVID-19, the Department of Commerce is authorized, to the maximum extent permitted under federal law, and for so long as the Declaration of a State of Emergency regarding COVID-19, dated March 10, 2020, remains in place, to interpret flexibly or waive, as appropriate, the following:
 - i. the one-week waiting period for benefits (N.C. Gen. Stat. § 96-14.1(b));
 - ii. the able to work and available to work requirements (N.C. Gen. Stat. § 96-14.9(b));
 - iii. the work search requirements (N.C. Gen. Stat. § 96-14.9(b));
 - iv. the actively seeking work requirements (N.C. Gen. Stat. § 96-14.9(e)); and
 - v. the "lack of work" requirement of the unemployed provisions of N.C. Gen. Stat. § 96-15.01(b)(2)(a).

- (b) The Department of Commerce is further directed not to allocate charges to employers' accounts for individuals who are paid benefits for reasons related to COVID-19 (N.C. Gen. Stat. § 96-11.2 and 96-11.3(b)). The Department of Commerce shall separately account for these expenditures so that the State of North Carolina can seek reimbursement from the federal government.
- (c) If the Department of Commerce identifies other state laws, regulations, and policies that may inhibit the fair and timely distribution of unemployment benefits to those affected by COVID-19, it is directed to inform the Office of the Governor in writing. Upon written authorization from the Office of the Governor, the Department of Commerce may interpret flexibly, modify, or waive those state laws, regulations, and policies, as appropriate, to the maximum extent permitted under applicable federal law to effectuate the purposes of this Order.
- (d) The Department of Commerce is ordered to postpone all mandatory in-person contact with individuals seeking unemployment benefits, including but not limited to the Employability Assessment Interview, as long as the State of Emergency for COVID-19 remains in effect. The Department of Commerce is further ordered to provide reasonable means for the filing of initial claims and weekly certifications, including both telephone and internet access.

Section 4. Enforcement

- (a) Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Order shall be enforced by state and local law enforcement officers.
- (b) Violations of this Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d) and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.

Section 5. Effective Date

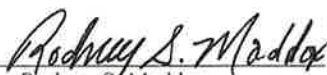
Section 1 of this Executive Order is effective as of 5:00 pm, Tuesday, March 17, 2020 through March 31, 2020. The remainder of this Executive Order is effective immediately and shall remain in effect until rescinded or superseded by another applicable Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 17th day of March in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

MARCH 27, 2020

EXECUTIVE ORDER NO. 121

STAY AT HOME ORDER AND STRATEGIC DIRECTIONS FOR NORTH CAROLINA IN RESPONSE TO INCREASING COVID-19 CASES

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.*, and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, the undersigned has issued Executive Order Nos. 117 – 120 for the purposes of protecting the health, safety and welfare of the people of North Carolina; and

WHEREAS, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, on March 27, 2020, the North Carolina Department of Health and Human Services ("NCDHHS") has documented 763 cases of COVID-19 across 60 counties, and has identified the occurrence of widespread community transmission of the virus; and

WHEREAS, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

WHEREAS, to mitigate community spread of COVID-19 and to reduce the burden on the state's health care providers and facilities, it is necessary to limit unnecessary person-to-person contact in workplaces and communities; and

WHEREAS, such limitations on person-to-person contact are reasonably necessary to address the public health risk posed by COVID-19; and

WHEREAS, some areas of the state have seen more rapid and significant spread of COVID-19 than others, and some but not all local authorities have taken steps to address community spread of the illness in their communities; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because needed control cannot be imposed locally because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact in workplaces and communities; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if issued, in order to effectuate control over the emergency that has arisen; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate any Gubernatorial vested authority under the Emergency Management Act and to provide for the subdelegation of any authority; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes the undersigned to prohibit and restrict the movement of people in public places, including by: (a) imposing a curfew; (b) directing and compelling the voluntary or mandatory evacuation of people from an area; (c) prescribing routes, modes of transportation and destinations in connection with evacuation; (d) controlling the movement of persons within an emergency area; and (e) closing streets, roads, highways, and other areas ordinarily used for vehicular travel, except to the movement of persons necessary for recovery from the emergency; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments and other places to and from which people may travel or at which they may congregate; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) authorizes the undersigned to prohibit and restrict activities which may be reasonably necessary to maintain order and protect lives and property during a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the undersigned has the power to “give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article”.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Stay at Home

1. **Stay at home or place of residence.** All individuals currently in the State of North Carolina are ordered to stay at home, their place of residence, or current place of abode, (hereinafter “residence”) except as allowed in this Executive Order. To the extent individuals are using shared or outdoor spaces when outside their residence, they must at all times and as much as reasonably possible, maintain social distancing of at least six (6) feet from any other person, with the exception of family or household members, consistent with the Social Distancing Requirements set forth in this Executive Order. All persons may leave their homes or place of residence only for Essential Activities, Essential Governmental Operations, or to participate in or access COVID-19 Essential Businesses and Operations, all as defined below.

Individuals experiencing homelessness are exempt from this Executive Order, but are strongly urged to obtain shelter that meets Social Distancing Requirements. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.

2. **Prohibited and permitted travel.** Only travel for Essential Activities as defined herein is permitted. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Executive Order allows travel into, within, or out of the State to maintain COVID-19 Essential Businesses and Operations and Minimum Basic Operations.
3. **Leaving the home and travel for Essential Activities is permitted.** For purposes of this Executive Order, individuals may leave their residence only to perform any of the following Essential Activities:
 - i. **For health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or persons who are unable to or should not leave their home (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional or veterinarian.
 - ii. **For necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members or persons who are unable or should not leave their home, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, automobile supplies (including sales, parts, supplies, repair and maintenance), and products necessary to maintain the safety, sanitation, and essential operation of residences or places of employment.
 - iii. **For outdoor activity.** To engage in outdoor activity, provided individuals comply with Social Distancing Requirements and Mass Gatherings, as defined below, such as, by way of example and without limitation, walking, hiking, running, golfing, or biking. Individuals may go to public parks and open outdoor recreation areas. However, public playground equipment may increase spread of COVID-19, and therefore shall be closed. These activities are subject to the limitations on events or convenings in Section 3 of this Executive Order.

- iv. **For certain types of work.** To perform work at businesses authorized to remain open under Section 2 of this Executive Order (which, as defined below, includes Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Operations, and Essential Infrastructure Operations) or to otherwise carry out activities specifically permitted in this Executive Order, including Minimum Basic Operations.
- v. **To take care of others.** To care for or assist a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order. This includes attending weddings and funerals provided individuals comply with Social Distancing Requirements and Mass Gatherings as set forth below.
- vi. **Place of worship.** Travel to and from a place of worship.
- vii. **To receive goods and services.** To receive goods and services provided by a COVID-19 Essential Business or Operation.
- viii. **Place of residence.** To return to or travel between one's place or places of residence for purposes including, but not limited to, child custody or visitation arrangements.
- ix. **Volunteering.** To volunteer with organizations that provide charitable and social services.

Section 2. COVID-19 Essential Businesses and Operations

In order to slow the spread of COVID-19, it is necessary to reduce the instances where individuals interact with one another in a manner inconsistent with the Social Distancing Requirements set forth below. Many of those interactions occur at work. At the same time, it is necessary that certain businesses, essential to the response to COVID-19, to the infrastructure of the State and nation, and to the day-to-day life of North Carolinians, remain open.

- A. In light of the above considerations, non-essential business and operations must cease. All businesses and operations in the State, except COVID-19 Essential Businesses and Operations as defined below, are required to cease all activities within the State except Minimum Basic Operations, as defined below. For clarity, businesses, including home-based businesses, may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).
- B. All COVID-19 Essential Businesses and Operations are directed, to the maximum extent possible, to direct employees to work from home or telework.
- C. For purposes of this Executive Order, a COVID-19 Essential Business and Operation includes the following businesses, not-for-profit organizations and educational institutions.
 - 1. **Businesses that meet Social Distancing Requirements.** Businesses, not-for-profit organizations or educational institutions that conduct operations while maintaining Social Distancing Requirements:
 - a. Between and among its employees; and
 - b. Between and among employees and customers except at the point of sale or purchase.

2. **Businesses operating in CISA identified sectors.** Businesses, not-for-profit organizations or educational institutions operating in the federal critical infrastructure sectors as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19> or any subsequent guidance issued by the U.S. Department of Homeland Security that amends or replaces said guidance.

3. **Healthcare and Public Health Operations.** Healthcare and Public Health Operations includes, but is not limited to: hospitals; clinics; dental offices; pharmacies; laboratories and laboratory service providers; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology and agricultural biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians and gynecologists; eye care centers, including those that sell glasses and contact lenses; dietary supplement retailers; naturopathic healthcare providers; home healthcare services providers; local management entities/managed care organizations (LME/MCO); mental health and substance use providers; other healthcare facilities and suppliers and providers of any related and/or ancillary healthcare services; and entities that transport and dispose of medical materials and remains.

Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

Healthcare and Public Health Operations also includes veterinary care and all healthcare services provided to animals.

Healthcare and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of healthcare, or public health operations broadly defined. Healthcare and Public Health Operations does not include those businesses ordered to close by Executive Order No. 120.

4. **Human Services Operations.** Human Services Operations includes, but is not limited to: long-term care facilities; child care centers, family child care homes; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs, including food, cash assistance, medical coverage, child care, child support services, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, social services, transportation and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

5. **Essential Infrastructure Operations.** Essential Infrastructure Operations includes, but is not limited to: food and beverage production, distribution, fulfillment centers, storage facilities; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long term care facilities, public works construction, school construction, and essential commercial and housing construction); building and grounds management and maintenance including landscaping; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video and telecommunications systems (including the provision of essential global, national and local infrastructure for computing services, business infrastructure, communications, and web-based services).

(including the provision of essential global, national and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure Operations shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

6. **Essential Governmental Operations.** Essential Governmental Operations means all services provided by the State or any municipality, township, county, political subdivision, board, commission or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Governmental Operations. Each government body shall determine its Essential Governmental Operations and identify employees and/or contractors necessary to the performance of those functions.

For purposes of this Executive Order, all first responders, emergency management personnel, emergency dispatchers, legislators, judges, court personnel, jurors and grand jurors, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support COVID-19 Essential Businesses and Operations are categorically exempt from this Executive Order.

This Executive Order does not apply to the United States government. Nothing in this Executive Order shall prohibit any individual from performing or accessing Essential Governmental Operations. Nothing in this Executive Order rescinds, amends, or otherwise modifies Section 2 of Executive Order No. 120.

7. **Stores that sell groceries and medicine.** Grocery stores, pharmacies, certified farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, prepared food, alcoholic and nonalcoholic beverages, any other household consumer products (such as cleaning and personal care products), and specifically includes their supply chain and administrative support operations. This includes stores that sell groceries, medicine, including medication not requiring a medical prescription, and also that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and COVID-19 Essential Businesses and Operations.
8. **Food, beverage production and agriculture.** Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, forestry, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; and businesses that provide food, shelter, services and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities.
9. **Organizations that provide charitable and social services.** Businesses as well as religious and secular not-for-profit organizations, including food banks, when providing food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.
10. **Religious entities.** Religious facilities, entities, groups, gatherings, including funerals. Also, services, counseling, pastoral care, and other activities provided by religious organizations to the members of their faith community. All of these functions are subject to the limitations on events or convenings in Section 3 of this Executive Order.
11. **Media.** Newspapers, television, radio, film, and other media services.
12. **Gas stations and businesses needed for transportation.** Gas stations and auto supply, sales, tire, auto-repair, roadside assistance and towing services, farm equipment, construction equipment, boat repair, and related facilities and bicycle shops and related facilities.

13. **Financial and insurance institutions.** Bank, currency exchanges, consumer lenders, including but not limited to, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products. Also insurance companies, underwriters, agents, brokers, and related insurance claims and agency services.
14. **Home improvement, hardware and supply stores.** Home improvement, building supply, hardware stores, and businesses that sell building materials and supplies, electrical, plumbing, and heating materials.
15. **Critical trades.** Building and construction tradesmen and tradeswomen, and other trades, including but not limited to, plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, cleaning services, moving and relocation services, landscaping and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and COVID-19 Essential Businesses and Operations. This includes organizations that represent employees.
16. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods, vehicles or services to end users or through commercial channels.
17. **Educational institutions.** Educational institutions including public and private pre-K-12 schools, colleges, and universities for purposes of facilitating remote learning, performing critical research, or performing essential functions, provided that the Social Distancing Requirements set forth below of this Executive Order are maintained to the greatest extent possible. This Executive Order is consistent with and does not amend or supersede prior Executive Orders regarding the closure of public schools.
18. **Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers.
19. **Restaurants for consumption off-premises.** Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that provide free food services to students or members of the public may continue to do so under this Executive Order when the food is provided for carry-out, drive-through or delivery. This Executive Order is consistent with and does not amend or supersede prior COVID-19 related Executive Orders restricting the operations of restaurants and temporarily closing bars.
20. **Supplies to work from home.** Businesses that sell, manufacture, or supply office supply products or other products needed for people to work from home.
21. **Supplies for COVID-19 Essential Businesses and Operations.** Businesses that sell, manufacture, support, or supply other COVID-19 Essential Businesses and Operations with the service or materials necessary to operate, including computers, audio and video electronics, household appliances; payroll processing and related services; IT and telecommunication equipment; elections personnel and election-related equipment supplies; hardware, paint, flat glass, electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; and diagnostics, food and beverages, chemicals, soaps and detergent.
22. **Transportation.** Airlines, taxis, automobile dealers, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, trains, marinas, docks, boat storage, and other private, public, and commercial transportation and logistics providers, and public transportation necessary to access COVID-19 Essential Businesses and Operations.

23. **Home-based care and services.** Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.
24. **Residential facilities and shelters.** Residential facilities and shelters for adults, seniors, children, pets, and/or people with developmental disabilities, intellectual disabilities, victims of domestic violence, people experiencing homelessness, substance use disorders, and/or mental illness.
25. **Professional services.** Professional services, such as legal services, accounting services, insurance services, professional engineering and architectural services, land surveying services, real estate services (including brokerage, appraisal and title services) and tax preparation services.
26. **Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, communications, as well as products used or commonly sold by other COVID-19 Essential Businesses and Operations.
27. **Defense and military contractors.** Defense and military contractors that develop products, processes, equipment, technology, and related services that serve the United States military, national defense, and national security interests.
28. **Hotels and motels.** Hotels and motels, to the extent used for lodging and delivery or carry-out food services.
29. **Funeral Services.** Funeral, mortuary, cremation, burial, cemetery, and related services. These services are subject to the limitations on events or convenings in Section 3 of this Executive Order.
30. **Additional COVID-19 Essential Retail Businesses.** Additional COVID-19 Essential Retail Businesses are:
- Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;
 - Lawn and garden equipment retailers;
 - Book stores that sell educational material;
 - Beer, wine, and liquor stores;
 - Retail functions of gas stations and convenience stores;
 - Retail located within healthcare facilities;
 - Pet and feed stores.
- D. All COVID-19 Essential Businesses and Operations shall, to the extent practicable, maintain the Social Distancing Requirements set forth in this Executive Order.
- E. "Social Distancing Requirements" as used in this Executive Order means:
- a. maintaining at least six (6) feet distancing from other individuals;
 - b. washing hands using soap and water for at least twenty (20) seconds as frequently as possible or the use of hand sanitizer;
 - c. regularly cleaning high-touch surfaces;
 - d. facilitating online or remote access by customers if possible.

- F. Businesses excluded from the list of COVID-19 Essential Businesses and Operations set forth in this Executive Order who believe that they may be essential may direct requests to be included to the North Carolina Department of Revenue (the "Department"). The Department may grant such request if it determines that it is in the best interest of the State to have the business continue operations in order to properly respond to this COVID-19 pandemic. The Department shall post on its website a point of contact and procedure for businesses seeking to be designated as essential. A business that has made a request to the Department to be included as a COVID-19 Essential Business or Operation may continue to operate until that request is acted upon.
- G. Businesses that are not COVID-19 Essential Businesses and Operations are required to cease all activities within the State except Minimum Basic Operations, as defined below. Businesses that are not COVID-19 Essential Businesses and Operations should comply with Social Distancing Requirements, to the maximum extent possible, when carrying out their Minimum Basic Operations.

As used in this Executive Order, "Minimum Basic Operations" include the following:

- i) The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or related functions.
 - ii) The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- H. Notwithstanding any other provision of this Executive Order, the businesses, not-for-profit organizations and educational institutions that were ordered closed by Executive Order Nos. 118 and 120 shall remain closed.

Section 3. Mass Gatherings

For the reasons and pursuant to the authority set forth above:

- A. Section 1(a) of Executive Order Nos. 117 and 120 is rescinded and replaced as follows:
1. A mass gathering is defined as any event or convening that brings together more than ten (10) persons in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, or any other confined indoor or outdoor space. This includes parades, fairs and festivals.
 2. A mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers. It also does not include any COVID-19 Essential Business or Operation as defined in this Executive Order.
 3. Notwithstanding the above, and in an effort to promote human dignity and limit suffering, funerals are permitted to include no more than fifty (50) persons, while observing Social Distancing Requirements to the extent practicable.
 4. Pursuant to N.C. Gen. Stat. §§ 166A-19.30(a)(2), -19.30(c) the provisions of this section shall be enforced by state and local law enforcement officers.

The remainder of Executive Order Nos. 117 and 120 continue to be in effect.

Section 4. Local Orders

- A. The undersigned recognizes that the impact of COVID-19 has been and will likely continue to be different in different parts of North Carolina. Urban areas have seen more rapid and significant spread than most rural areas of the state. As such, the undersigned acknowledges that counties and cities may deem it necessary to adopt ordinances and issue state of emergency declarations which impose restrictions or prohibitions to the extent authorized under North Carolina law, such as on the activity of people and businesses, to a greater degree than in this

Executive Order. To that end, nothing herein is intended to limit or prohibit counties and cities in North Carolina from enacting ordinances and issuing state of emergency declarations which impose greater restrictions or prohibitions to the extent authorized under North Carolina law.

- B. Notwithstanding the language in paragraph (A) of this Section, no county or city ordinance or declaration shall have the effect of restricting or prohibiting COVID-19 Essential Governmental Operations of the State as determined by the State.
- C. Nothing in this Executive Order rescinds, amends, or otherwise modifies Section 2 of Executive Order No. 120.

Section 5. Savings Clause

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 6. Enforcement

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers.
- B. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d), and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.
- C. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual's conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual's access to a particular place).

Section 7. Effective Date

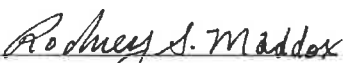
This Executive Order is effective Monday, March 30, 2020, at 5:00pm, and shall remain in effect for thirty (30) days from that date or unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 27th day of March in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

April 23, 2020

EXECUTIVE ORDER NO. 135

EXTENDING STAY AT HOME ORDER AND ORDERS LIMITING MASS GATHERINGS, REQUIRING SOCIAL DISTANCING, AND RESTRICTING VISITATION AT LONG TERM CARE FACILITIES

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, community spread of COVID-19 continues to increase in North Carolina and nationwide, and increased testing capacity would undoubtedly show that COVID-19 is circulating in communities across North Carolina that have not yet identified a confirmed case; and

WHEREAS, the continued presence of community spread in North Carolina, the rapid increase in COVID-19 cases, and the rising number of COVID-19 related deaths, both globally and in North Carolina, require us to continue our measures to slow the spread of this virus during the pandemic; and

WHEREAS, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

WHEREAS, slowing the community spread of COVID-19 is critical to ensuring that our healthcare facilities remain able to accommodate those who require intensive medical intervention; and

WHEREAS, as proactive steps to prevent and respond to COVID-19, and for the purposes of protecting the health, safety and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-25, 129-131, and 133-134; and

WHEREAS, in Executive Order No. 118, issued on March 17, 2020, the undersigned limited operations of restaurants and bars in response to COVID-19; and

WHEREAS, in Executive Order No. 120, issued on March 23, 2020, the undersigned placed additional limitations on mass gatherings, venues, and long term care facilities, and directed school closures; and

WHEREAS, in Executive Order No. 121, issued on March 27, 2020, the undersigned restricted travel, prohibited certain mass gatherings, and required social distancing to the extent individuals are using shared or outdoor spaces outside their residence; and

WHEREAS, Executive Order No. 121 provided that except as amended, Executive Orders Nos. 118 and 120 would continue in effect; and

WHEREAS, in Executive Order No. 131, issued on April 9, 2020, the undersigned established additional social distancing measures for retail establishments; and

WHEREAS, some of the provisions of the above-listed Executive Orders are set to expire unless the undersigned takes further action; and

WHEREAS, if these provisions were to expire prematurely, they could undo the important progress North Carolina has made in controlling the outbreak of COVID-19; and

WHEREAS, the undersigned has determined that certain provisions must remain in place until May 8, 2020; and

WHEREAS, as the situation in North Carolina develops, the undersigned reserves the right to extend provisions to later dates, modify existing provisions, or lift restrictions earlier than scheduled; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Extensions and technical amendments

For the reasons and pursuant to the authority set forth above and set forth in the relevant Executive Orders referenced below, the undersigned orders as follows:

Sections 1, 4, and 5 of Executive Order No. 118; Sections 1, 2, 3 and 5 of Executive Order No. 120; and all of Executive Order No. 121 are in effect, and shall remain in effect, until 5:00 pm on May 8, 2020. Sections 1 and 2 of Executive Order No. 131 are amended to expire at 5:00 pm

on May 8, 2020. The effective date provisions of Executive Orders Nos. 118, 120, 121, and 131 are amended to have the above-listed sections of those orders continue in effect through the above-listed time and date. Future Executive Orders may extend the term of these Executive Orders. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

Section 2. Savings Clause

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 3. Distribution

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 4. Enforcement

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers.
- B. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d) and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.
- C. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual's conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual's access to a particular place).

Section 5. Effective Date


This Executive Order is effective immediately. This Executive Order shall remain in effect until 5:00 pm on May 8, 2020, unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 23rd day of April in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State





State of North Carolina

ROY COOPER
GOVERNOR

May 05, 2020

EXECUTIVE ORDER NO. 138

EASING RESTRICTIONS ON TRAVEL, BUSINESS OPERATIONS, AND MASS GATHERINGS: PHASE 1

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, and 133-136; and

WHEREAS, more than ten thousand people in North Carolina have had laboratory-confirmed cases of COVID-19, and hundreds of people in North Carolina have died from the disease; and

WHEREAS, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

WHEREAS, the undersigned and the Secretary of Health and Human Services have directed hospitals, physicians' practices, and other health care entities to undertake significant actions as part of North Carolina's emergency response to address the COVID-19 pandemic; and

WHEREAS, slowing and controlling community spread of COVID-19 is critical to ensuring that the state's healthcare facilities remain able to accommodate those who require medical assistance; and

WHEREAS, the continued community spread of COVID-19 within North Carolina requires the state to continue some measures to slow the spread of this virus during the pandemic; and

WHEREAS, since the issuance of executive orders to slow the spread of COVID-19, North Carolina has “flattened the curve” and prevented a surge or spike in cases across the state, and North Carolina has also increased its capacity for testing, tracing and the availability of personal protective equipment (“PPE”); and

WHEREAS, despite the overall stability in key metrics, North Carolina’s daily case counts of COVID-19 continue to increase slightly in the context of increased testing, demonstrating the state must remain vigilant in its work to slow the spread of the virus; and

WHEREAS, the risk of COVID-19 transmission remains high, particularly with regard to indoor settings with an increased likelihood of close contact; and

WHEREAS, people in North Carolina are encouraged to use a cloth face covering to reduce the spread of COVID-19, but some populations may experience increased anxiety and fear of bias and being profiled if wearing face coverings in public spaces; and

WHEREAS, if someone is the target of ethnic or racial intimidation as the result of adhering to the mask provision or as a result of the pandemic, they are encouraged to report the matter to law enforcement or another government entity; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate Gubernatorial vested authority under the Emergency Management Act and to provide for the sub-delegation of that authority; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(4) gives the undersigned the authority to “cooperate and coordinate” with the President of the United States; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set “the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease,” and following this coordination, the Emergency Management Director and the State Health Director have recommended that the Governor develop and order the plan and actions identified in this Executive Order; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.23 in conjunction with N.C. Gen. Stat. §§ 75-37 and 75-38, the undersigned may issue a declaration that shall trigger the prohibitions against excessive pricing during states of disaster, states of emergency or abnormal market disruptions; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as

may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if enacted or declared, in order to effectuate control over the emergency that has arisen; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes the undersigned to prohibit and restrict the movement of people in public places; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments, and other places to and from which people may travel or at which they may congregate; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) authorizes the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(1), when the undersigned imposes the prohibitions and restrictions enumerated in N.C. Gen. Stat. § 166A-19.31(b), the undersigned may amend or rescind the prohibitions and restrictions imposed by local authorities; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the undersigned has the power to "give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article."

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Definitions.

In this Executive Order:

1. "Allowable Activities" are defined in Section 2(C) of this Executive Order.

2. “Bars” means establishments that are not eating establishments or restaurants as defined in N.C. Gen. Stat. §§ 18B-1000(2) and 18B-1000(6) and have a permit to sell alcoholic beverages for onsite consumption under N.C. Gen. Stat. § 18B-1001.
3. “Face Covering” means a covering of the nose and mouth by wearing a cloth covering or mask for the purpose of ensuring the physical health or safety of the wearer or others as defined in Session Law 2020-3 s. 4.3(a). In the context of the COVID-19 emergency, the Face Covering predominantly functions to protect other people more than the wearer.
4. “Home” means someone’s house, place of residence, or current place of abode.
5. “Mass Gathering” is defined in Section 6(A) of this Executive Order.
6. “Recommendations to Promote Social Distancing and Reduce Transmission” are defined in Section 2(A) of this Executive Order.
7. “Restaurants” means permitted food establishments, under N.C. Gen. Stat. § 130A-248, and other establishments that both prepare and serve food. This includes, but is not limited to, restaurants, cafeterias, food halls, dining halls, food courts, and food kiosks. This includes not only free-standing locations but also locations within other businesses or facilities, including, but not limited to airports, shopping centers, educational institutions, or private or members-only clubs where food and beverages are permitted to be consumed on premises.
8. “Retail Business” means any business in which customers enter a space to purchase goods or services, including but not limited to grocery stores, convenience stores, large-format retail stores, pharmacies, banks, ABC stores, hardware stores, and vehicle dealerships. “Retail Business” also includes retail establishments operated by the State, its political subdivisions, or agencies thereof.

Section 2. Allowable Activities for Individuals Outside the Home.

All individuals currently in the State of North Carolina may undertake Allowable Activities permitted by this Executive Order. Otherwise, individuals are ordered to stay at home.

- A. **Recommendations to Promote Social Distancing and Reduce Transmission.** Individuals leaving their residence for Allowable Activities are strongly advised to take the following steps to reduce transmission:
 1. Maintain at least six (6) feet social distancing from other individuals, with the exception of family or household members.
 2. Wear a cloth Face Covering when leaving home and wear it inside all public settings such as grocery stores, pharmacies, or other retail or public-serving businesses. A Face Covering should also be worn outdoors when you cannot maintain at least six (6) feet distancing from other people with the exception of family or household members. These coverings function to protect other people more than the wearer.
 3. Carry hand sanitizer with you when leaving home, and use it frequently.
 4. Wash hands using soap and water for at least twenty (20) seconds as frequently as possible.
 5. Regularly clean high-touch surfaces such as steering wheels, wallets, phones.
 6. Stay at home if sick.
- B. **High-Risk Individuals:** People who are at high risk of severe illness from COVID-19 continue to be strongly encouraged to stay home and travel only for absolutely essential purposes. The Centers for Disease Control and Prevention (“CDC”) defines high-risk individuals as people 65 years or older, **and people of any age who have serious underlying**

medical conditions including people who are immunocompromised, or with chronic lung disease, moderate-to-severe asthma, serious heart conditions, severe obesity, diabetes, with chronic kidney disease undergoing dialysis, or liver disease.

- C. **Allowable Activities:** People may leave their residence for the following Allowable Activities. When engaged in activities outside their home, individuals should, as much as reasonably possible, adhere to the Recommendations to Promote Social Distancing and Reduce Transmission above, and are subject to any applicable Mass Gathering or activity restrictions pursuant to Sections 3 to 7 of this Executive Order.

1. **For health and safety.** People may leave their homes to engage in activities or perform tasks for the health and safety of themselves, their family or household members, or those who are unable to or should not leave their home (including, but not limited to, pets). For example, and without limitation, people may leave their homes to seek emergency services, obtain medical supplies or medication, or visit a health care professional or veterinarian.
2. **To look for and obtain goods and services.** People may leave their homes to look for or obtain goods and services from a business or operation that is not closed by a current Executive Order. This authorization does not include attendance as a spectator at a sporting event, concert, or other performance.
3. **To engage in outdoor activity.** People may leave their homes to engage in outdoor activities unless prohibited by this Executive Order.
4. **For work.** People may leave their homes to perform work at any business, nonprofit, government, or other organization that is not closed by this Executive Order. For example, and without limitation, people can leave the house for employment, or to serve as a contractor at a for-profit business, a nonprofit organization, a part of government, a single-person business, a sole proprietorship, or any other kind of entity or operation.
5. **To look for work.** People may leave their homes to seek employment.
6. **To take care of others.** People may leave their homes to care for or assist a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order. This includes attending weddings and funerals.
7. **To worship or exercise First Amendment rights.** People may leave their homes to travel to and from a place of worship or exercise any other rights protected under the First Amendment to the U.S. Constitution and its North Carolina counterparts.
8. **To travel between places of residence.** People may leave their homes to return to or to travel between one's place or places of residence. This includes, but is not limited to, child custody or visitation arrangements.
9. **To volunteer.** People may leave their homes to volunteer with organizations that provide charitable and social services.
10. **To attend small outdoor get-togethers.** People may travel to another person's home for social purposes, so long as no more than ten (10) people gather and the activity occurs outside.
11. **To provide or receive government services.** People may leave their homes for governmental services. Nothing in this Executive Order shall prohibit anyone from performing actions for, or receiving services from, the state or any of its political subdivisions, boards, commissions, or agencies. This Executive Order does not apply to the United States government.

D. **Specific Situations.**

1. **Homelessness.** Individuals experiencing homelessness are exempt from the order to stay at home, but they are strongly urged to obtain shelter and services that allow them to meet the Recommendations to Promote Social Distancing and Reduce Transmission.
2. **Travel permitted for unsafe homes.** Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.
3. **Public transit.** People riding on public transit must comply with the Recommendations to Promote Social Distancing and Reduce Transmission as defined in Subsection 2(A) to the greatest extent feasible.

Section 3. Orders for Businesses and Parks.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

- A. **Most Businesses and Organizations Can Be Open.** All businesses that are not closed under Section 5 may operate. Some businesses must operate under restrictions, as stated in Sections 3, 4, 6, and 7 of this Executive Order.

B. **Requirements Specific to Retail Businesses.**

Retail Businesses that operate during the effective period of this Executive Order must:

1. Limit customer occupancy to not more than 50% of stated fire capacity. Retail Businesses that do not have a stated fire capacity must limit customer occupancy to twelve (12) customers for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to customers.
2. Limit customer occupancy so that customers can stay six (6) feet apart, even if this requires reducing occupancy beneath the 50% limit stated above.
3. Direct customers to stay at least six (6) feet apart from one another and from workers, except at point of sale if applicable.
4. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for customers, such as at deli counters and near high-volume products.
5. Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).
6. Provide, whenever available, hand sanitizer (at least 60% alcohol); systematically and frequently check and refill hand sanitizer stations; and provide soap and hand drying materials at sinks.
7. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.
8. Immediately send symptomatic workers home.
9. Have a plan in place for immediately isolating workers from the workplace if symptoms develop.
10. Post signage at the main entrances that reminds people to stay six (6) feet apart for social distancing, requests people who are or who have recently been symptomatic not to enter, and notifies customers of the Retail Business's reduced capacity.

The North Carolina Department of Health and Human Services ("NCDHHS") will make available on its website a sample screening checklist questionnaire and sample signs that may

be used to meet the requirements above. Retail Businesses do not need to use the NCDHHS sample questionnaires and signs to meet the requirements of this Executive Order.

C. Additional Recommendations Specific to Retail Businesses.

Retail Businesses that operate during the effective period of this Executive Order are strongly encouraged to do the following:

1. Direct workers to stay at least six (6) feet apart from one another and from customers, to the greatest extent possible.
2. Provide designated times for seniors and other high-risk populations to access services.
3. Develop and use systems that allow for online, email, or telephone ordering, no-contact curbside or drive-through pickup or home delivery, and contact-free checkout.
4. High-volume Retail Businesses, such as grocery stores and pharmacies, are strongly encouraged to take the following additional measures to reduce transmission:
 - a. Use acrylic or plastic shields at cash registers.
 - b. Clearly mark designated entry and exit points.
 - c. Provide assistance with routing through aisles in the store.
5. Take all the additional actions listed in Subsection 3(D) below.

D. Recommendations for All Businesses (Retail or Other).

All businesses that operate during the effective period of this Executive Order are strongly encouraged to:

1. Continue to promote telework and limit non-essential travel whenever possible.
2. Promote social distancing by reducing the number of people coming to the office, by providing six (6) feet of distance between desks, and/or by staggering shifts.
3. Limit face-to-face meetings to no more than ten (10) workers.
4. Promote hygiene, including frequent hand-washing and use of hand sanitizer.
5. Recommend workers wear cloth Face Coverings; provide workers with Face Coverings; and provide information on proper use, removal, and washing of cloth Face Coverings. A Face Covering functions to protect other people more than the wearer.
6. Make accommodations for workers who are at high risk of severe illness from COVID-19, for example, by having high-risk workers work in positions that are not public-facing or by allowing teleworking where possible.
7. Encourage sick workers to stay home and provide support to do so with a sick leave policy.
8. Follow the CDC guidance if a worker has been diagnosed with COVID-19.
9. Provide workers with education about COVID-19 prevention strategies, using methods like videos, webinars, or FAQs.
10. Promote information on helplines for workers such as 211 and the Hope4NC Helpline.

E. **Parks and Trails.**

1. All people in North Carolina are encouraged to engage in outdoor activities, so long as they do not form prohibited Mass Gatherings and are engaged in Allowable Activities under this Executive Order. State parks and trails may reopen upon the general Effective Date of this Executive Order. However, because public playground equipment may increase spread of COVID-19, public playgrounds remain closed during the effective phase of this Executive Order, including public playground equipment located in parks.
2. Park operators shall follow the requirements for Retail Businesses listed in Subsection (B) above, and they are strongly encouraged to follow the recommendations for Retail Businesses and the recommendations for all businesses in Subsections (C) and (D) above.

Section 4. Orders for Restricted Business Types.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. **Restaurants.**

1. **Restaurants may remain open if consumption occurs off-premises.** Restaurants may do business only to the extent that consumption of food and beverages occurs off-premises through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that provide free food services to students or members of the public may continue to do so under this Executive Order when the food is provided for carry-out, drive-through, or delivery.
2. **Restaurants should follow social distancing and transmission reduction recommendations.** Restaurants are encouraged to comply with the Recommendations to Promote Social Distancing and Reduce Transmission, including use of Face Coverings, when providing carry-out, drive-through, and delivery services. These coverings function to protect other people, more than the wearer.
3. **Further orders.** The Governor, in consultation with and at the recommendation of the Secretary of Health and Human Services, the State Emergency Management Director, and the State Health Director, orders the following limitations on the sale of food and beverages to carry-out, drive-through, and delivery only:
 - a. The Secretary of Health and Human Services, pursuant to N.C. Gen. Stat. § 130A-20(a), has determined that the seating areas of restaurants and bars constitute an imminent hazard for the spread of COVID-19 and that, to abate the imminent hazard, restaurants must be restricted to carry-out, drive-through, and delivery only and bars must close, and has issued an order of abatement dated May 4, 2020.
 - b. The undersigned directs that restaurants are restricted to carry-out, drive-through, and delivery only.
4. **No sit-down service.** Sit-down food or beverage service is prohibited at any kind of businesses, including but not limited to grocery stores, pharmacies, convenience stores, gas stations and charitable food distribution sites.

B. **Bars.**

1. Bars are directed to not serve alcoholic beverages for onsite consumption.
2. This Executive Order does not direct the closure of retail beverage venues that provide for the sale of beer, wine, and liquor for off-site consumption only. It also does not require the closure of production operations at breweries, wineries, or distilleries.
3. If the Alcoholic Beverage Control Commission (the "ABC Commission") identifies other state laws, regulations, and policies that may affect bars, restaurants, and other dining establishments identified in Subsections 4(A)-(B) of this Executive Order, it is directed to

inform the Office of the Governor in writing. Upon written authorization from the Office of the Governor, the ABC Commission may interpret flexibly, modify, or waive those state laws, regulations and policies, as appropriate, and to the maximum extent permitted under applicable state and federal law, to effectuate the purposes of this Executive Order.

C. **Child Care.**

1. **Must operate in compliance with NCDHHS guidelines.** Child care facilities may be open only if they operate in full compliance with Executive Order No. 130 and all guidelines issued by NCDHHS.
2. **Expanding children that may be served.** The relevant language in Subsection 2(C) of Executive Order No. 130 is amended and replaced by the following:

Children that may be served. Child Care Facilities approved by NCDHHS to operate under the Emergency Facility Guidelines shall provide child care only to the following persons:

1. Children of anyone who performs work on behalf of a business or operation that is not closed by an Executive Order; or
 2. Children of anyone who is leaving the home to seek employment; or
 3. Children who are receiving child welfare services; or
 4. Children who are homeless or who are living in unstable or unsafe living arrangements.
3. **Term.** Section 2 of Executive Order No. 130 shall remain in effect through 5:00 pm on May 22, 2020.

D. **Day Camps and Programs for Children and Teens.**

1. **Must operate in compliance with NCDHHS guidelines.** Day camps and programs may operate only if they are in full compliance with the Interim Coronavirus Disease 2019 (COVID-19) Guidance for Day Camp or Program Settings Serving Children and Teens. Day programs and camps for adults are not covered by this section.
2. **No sports or other activities without social distancing.** Day camps and programs may not allow sports except for sports where close contact is not required, and day camps may not allow activities where campers would not maintain at least six (6) feet social distancing from one another.
3. **Day camps within another business or operation.** Day camps and programs operating within a business, facility, or location closed by Subsection 5(B) of this Executive Order or at a school may open for the purpose of the day camp or program, but must otherwise remain closed to the general public. To the extent day camps permit swimming by camp attendees, local health departments may permit the pool's usage for attendees of the day camp, but not for the general public.
4. **No overnight camps.** Overnight camps and programs for children or adults may not operate.

E. **Schools.**

1. **School facilities remain closed for in-person instruction.** Consistent with Executive Orders No. 117 and 120, public school facilities are to remain closed as in-person instructional settings for students for the remainder of the 2019-2020 school year.
2. **School and health officials to continue efforts.** NCDHHS, the North Carolina Department of Public Instruction ("NCDPI"), and the North Carolina State Board of Education are

directed to continue to work together to maintain and implement measures to provide for the health, nutrition, safety, educational needs, and well-being of children during the school closure period.

3. Graduation and other year-end ceremonies. Local school boards and superintendents will determine whether to conduct graduation and/or other year-end ceremonies. If local school leaders elect to hold graduation ceremonies or similar events, then those gatherings must operate in compliance with Executive Orders and NCDPI/NCDHHS guidelines in effect at the time of the event. Local school leaders are encouraged to engage with students and families to identify the best solutions for their communities. Local plans should include consultation with local public health officials and, where appropriate, local law enforcement.

Section 5. Orders for Businesses to Remain Closed.

A. Personal Care and Grooming Businesses.

1. The ability to practice the social distancing necessary to reasonably protect against COVID-19 is significantly reduced in certain establishments where individuals are in extended close proximity or where service personnel are in direct contact with clients. Therefore, personal care and grooming businesses, including but not limited to the following, are ordered to close:
 - Barber Shops
 - Beauty Salons (including but not limited to waxing and hair removal centers)
 - Hair Salons
 - Nail Salons/Manicure/Pedicure Providers
 - Tattoo Parlors
 - Tanning Salons
 - Massage Therapists (except that massage therapists may provide medical massage therapy services upon the specific referral of a medical or naturopathic healthcare provider).

B. Entertainment Facilities Without a Retail or Dining Component.

1. In addition to the restrictions on Mass Gatherings identified in Section 6 of this Executive Order, entertainment facilities that operate within a confined indoor or outdoor space and do not offer a retail or dining component are ordered to close. Any retail or dining component within an entertainment facility may operate solely for retail or dining, but those components must comply with the restrictions set out in Subsection 4(A) of this Executive Order.
2. Entertainment facilities restricted by this Subsection include, but are not limited to, the following types of business:
 - Bingo Parlors, including bingo sites operated by charitable organizations
 - Bowling Alleys
 - Indoor Exercise Facilities (e.g., gyms, yoga studios, martial arts facilities, indoor trampoline and rock climbing facilities)
 - Health Clubs, Fitness Centers, and Gyms
 - Indoor/Outdoor Pools
 - Live Performance Venues
 - Movie Theaters
 - Skating Rinks
 - Spas, including health spas
 - Gaming and business establishments which allow gaming activities (e.g., video poker, gaming, sweepstakes, video games, arcade games, pinball machines or other computer, electronic or mechanical devices played for amusement).

Section 6. Mass Gatherings Prohibited.

- A. **Prohibition.** Mass Gatherings are prohibited. "Mass Gathering" means an event or convening that brings together more than ten (10) persons at the same time in a single space, such as an auditorium, stadium, arena, conference room, meeting hall, or any other confined indoor or outdoor space. This includes parades, fairs, and festivals.

Mass Gatherings do not include gatherings for health and safety, to look for and obtain goods and services, for work, for worship, or exercise of First Amendment rights, or for receiving governmental services. A Mass Gathering does not include normal operations at airports, bus and train stations or stops, medical facilities, shopping malls, and shopping centers. However, in these settings, people must follow the Recommendations to Promote Social Distancing and Reduce Transmission as much as possible, and they should circulate within the space so that there is no sustained contact between people.

- B. **Dividing one event or convening into multiple sessions.** Nothing in this Executive Order prohibits holding several events or convenings instead of one so that at any time, no more than ten (10) people are gathered in the same space. Organizations that need to hold events or convenings in a single space are encouraged to hold multiple sessions so that no more than ten (10) people are present at a time. In addition, nothing in this Executive Order prohibits holding meetings remotely, and all people in North Carolina are encouraged to hold gatherings electronically so that large groups can meet.
- C. **Outdoor meetings if possible.** Because the risk of COVID-19 spread is much greater in an indoor setting, any gatherings of more than ten (10) people that are allowed under Subsection 6(A) shall take place outdoors unless impossible.
- D. **Funerals.** Notwithstanding the above, and in an effort to promote human dignity and limit suffering, Mass Gatherings at funerals are permitted for up to fifty (50) people. People meeting at a funeral should observe the Recommendations to Promote Social Distancing and Reduce Transmission to the extent practicable.
- E. **Drive-ins.** Events are not prohibited Mass Gatherings if the participants all stay within their cars, such as at a drive-in movie theater.
- F. **Households.** A household where more than ten (10) people reside is not a Mass Gathering.

Section 7. Long Term Care.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

- A. **Long Term Care Visitation Limitations.**
1. Long term care facilities shall restrict visitation of all visitors and non-essential health care personnel, except for certain compassionate care situations, for example, an end-of-life situation.
 2. This restriction does not include essential health care personnel.
 3. For purposes of this Subsection 7(A) only, long term care facilities include all of the following:
 - a. Skilled nursing facilities;
 - b. Adult care homes;
 - c. Family care homes;
 - d. Mental health group homes; and
 - e. Intermediate care facilities for individuals with intellectual disabilities.

B. Long Term Care Risk Mitigation Measures.

1. Scope of this Subsection. This Subsection of this Executive Order places mandatory requirements on skilled nursing facilities. This Subsection strongly encourages the same measures, to the extent possible given constraints on the availability of personal protective equipment, for other kinds of long term care facilities, including adult care homes, family care homes, mental health group homes, and intermediate care facilities for individuals with intellectual disabilities.
2. Mitigation measures. Skilled nursing facilities shall:
 - a. Remind workers to stay home when they are ill and prevent any workers who are ill from coming to work and/or staying at work.
 - b. Screen all workers at the beginning of their shift for fever and respiratory symptoms. This shall include:
 - i. Actively taking that worker's temperature.
 - ii. Documenting an absence of any shortness of breath, any new cough or changes in cough, and any sore throat. If the worker is ill, the facility must have the worker put on a facemask and leave the workplace.
 - iii. Canceling communal dining and all group activities, including internal and external activities.
 - iv. Implementing universal use of a facemask for all workers while in the facility, assuming supplies are available.
 - v. Actively monitor all residents upon admission, and at least daily, for fever and respiratory symptoms (shortness of breath, new cough or change in cough, and sore throat), and shall continue to monitor residents.
 - vi. Notify the local health department immediately about either of the following:
 1. Any resident with new, confirmed, or suspected COVID-19.
 2. A cluster of residents or workers with symptoms of respiratory illness. A "cluster" of residents or workers means three (3) or more people (residents or workers) with new-onset respiratory symptoms in a period of 72 hours.
 - c. Other kinds of long term care facilities. Adult care homes, family care homes, mental health group homes, and intermediate care facilities for individuals with intellectual disabilities are strongly encouraged to follow the mitigation measures listed in Subsections 7(B)(2)(b)(i) through (vi) above, assuming supplies are available.

- C. Effective Date and Duration. This Section of this Executive Order shall remain in effect unless repealed, replaced, or rescinded by another applicable Executive Order.

Section 8. Local Orders.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. Effect on local emergency management orders.

1. Most of the restrictions in this Executive Order are minimum requirements, and local governments can impose greater restrictions. The undersigned recognizes that the impact of COVID-19 has been and will likely continue to be different in different parts of North

Carolina. Urban areas have seen more rapid and significant spread than most rural areas of the state. As such, the undersigned acknowledges that counties and cities may deem it necessary to adopt ordinances and issue state of emergency declarations which impose restrictions or prohibitions to the extent authorized under North Carolina law, such as on the activity of people and businesses, to a greater degree than in this Executive Order. To that end, nothing herein, except where specifically stated below in Subsections A(2) and A(3) of this Section, is intended to limit or prohibit counties and cities in North Carolina from enacting ordinances and issuing state of emergency declarations which impose greater restrictions or prohibitions to the extent authorized under North Carolina law.

2. Local restrictions cannot restrict state or federal government operations. Notwithstanding Subsection 8(A)(1) above, no county or city ordinance or declaration shall have the effect of restricting or prohibiting governmental operations of the State or the United States.
3. Local restrictions cannot set different retail requirements. Notwithstanding Subsection 8(A)(1) above, in an effort to create uniformity across the state for Retail Businesses that may continue to operate, the undersigned amends all local prohibitions and restrictions imposed under any local state of emergency declarations to remove any language that sets a different maximum occupancy standard for Retail Businesses or otherwise directly conflicts with Subsections 3(B)(1)–(2) of this Executive Order. The undersigned also hereby prohibits during the pendency of this Executive Order the adoption of any prohibitions and restrictions under any local state of emergency declarations that set a different maximum occupancy standard for Retail Businesses or otherwise directly conflict with Subsections 3(B)(1)–(2) of this Executive Order.

B. Mandatory local government operations.

1. To the extent that local government functions are required under state and federal law, the undersigned directs the appropriate local government agencies and officials to continue to exercise their responsibilities, including but not limited to local county Department of Social Services (“DSS”) offices, Health Departments, Registers of Deeds, and other local government functions that are required to protect lives and property.
2. Notwithstanding Subsection 8(B)(1) above, local governments are strongly encouraged to follow the Requirements Specific to Retail Businesses in Subsection 3(B) and Recommendations for Retail Businesses in Subsection 3(C) for functions where members of the public enter a space to receive or use government services. Local governments are also strongly encouraged to follow the Recommendations for All Businesses (Retail or Other) included in Subsection 3(D).

Section 9. Extension of Price Gouging Period.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

Pursuant to N.C. Gen. Stat. § 166A-19.23, the undersigned extends the prohibition against excessive pricing, as provided in N.C. Gen. Stat. §§ 75-37 and 75-38, from the issuance of Executive Order No. 116 through 5:00 pm on May 22, 2020.

The undersigned further hereby encourages the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report to the public any price gouging and unfair or deceptive trade practices under Chapter 75 of the North Carolina General Statutes.

Section 10. No Private Right of Action.

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any emergency management worker (as defined in N.C. Gen. Stat. § 166A-19.60) or any other person.

Section 11. Savings Clause.

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 12. Distribution.

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 13. Enforcement

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers.
- B. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d), and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.
- C. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual's conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual's access to a particular place).

Section 14. Effective Date

This Executive Order is effective at 5:00 pm on May 8, 2020.

Section 7 of this Executive Order shall remain in effect for the period stated in Subsection 7(C) of this Executive Order. The remainder of this Order shall remain in effect through 5:00 pm on May 22, 2020 unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 5th day of May in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





**Plaintiff's Complaint
Exhibit F**

State of North Carolina

ROY COOPER
GOVERNOR

May 20, 2020

EXECUTIVE ORDER NO. 141

**EASING RESTRICTIONS ON TRAVEL, BUSINESS OPERATIONS,
AND MASS GATHERINGS: PHASE 2**

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, and 138-140; and

WHEREAS, more than twenty thousand people in North Carolina have had laboratory-confirmed cases of COVID-19, and hundreds of people in North Carolina have died from the disease; and

WHEREAS, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

WHEREAS, the undersigned and the Secretary of Health and Human Services have directed hospitals, physicians' practices, and other health care entities to undertake significant actions as part of North Carolina's emergency response to address the COVID-19 pandemic; and

WHEREAS, slowing and controlling community spread of COVID-19 is critical to ensuring that the state's healthcare facilities remain able to accommodate those who require medical assistance; and

WHEREAS, the continued community spread of COVID-19 within North Carolina requires the state to continue some measures to slow the spread of this virus during the pandemic; and

WHEREAS, since the issuance of executive orders to slow the spread of COVID-19, North Carolina has “flattened the curve” and prevented a surge or spike in cases across the state, and North Carolina has also increased its capacity for testing, tracing and the availability of personal protective equipment (“PPE”); and

WHEREAS, despite the overall stability in key metrics, North Carolina’s daily case counts of COVID-19 continue to increase slightly in the context of increased testing, demonstrating the state must remain vigilant in its work to slow the spread of the virus; and

WHEREAS, should there be an increase in the percentage of emergency department visits that are due to COVID-19 like illness, an increase in the number of laboratory-confirmed cases, an increase in the positive tests as a percent of total tests, an increase in COVID-19-related hospitalizations that threaten the ability of the health care system to properly respond, or should the State’s ability to conduct testing and tracing be compromised, it may be necessary to reinstate certain restrictions eased by this Executive Order so as to protect the health, safety, and welfare of North Carolinians; and

WHEREAS, the risk of contracting and transmitting COVID-19 is higher in settings that are indoors, where air does not circulate freely and where people are less likely to maintain social distancing by staying six (6) feet apart; and

WHEREAS, the risk of contracting and transmitting COVID-19 is higher in settings where people are stationary and in close contact for long periods of time; and

WHEREAS, the risk of contracting and transmitting COVID-19 is higher in gatherings of larger groups of people because these gatherings offer more opportunity for person-to-person contact with someone infected with COVID-19; and

WHEREAS, to lower the risk of contracting and transmitting COVID-19, this Executive Order imposes restrictions on businesses that limit the number of contacts between people, particularly in settings that are indoors, involve people being stationary and in close contact for long periods of time, or are part of mass gatherings; and

WHEREAS, certain types of businesses by their very nature present greater risks of the spread of COVID-19 because of the nature of the activity, the way that people have traditionally acted and interacted with each other in that space, and the duration that patrons stay in the establishment; and

WHEREAS, people in North Carolina are encouraged to use a cloth face covering to reduce the spread of COVID-19, but some populations may experience increased anxiety and fear of bias and being profiled if wearing face coverings in public spaces; and

WHEREAS, if someone is the target of ethnic or racial intimidation as the result of adhering to the mask provision or as a result of the pandemic, they are encouraged to report the matter to law enforcement or another government entity; and

WHEREAS, people in North Carolina must remain flexible to account for the evolving nature and scope of the public health emergency posed by COVID-19, and also return to—in a safe, strategic, and incremental manner—their normal personal and professional activities, to the extent public health circumstances permit; and

WHEREAS, people in North Carolina are encouraged to take on the challenges of living in a community beset by a global pandemic, while also returning to school, work, and social activities in a safe, strategic and incremental manner to help reduce the risk of COVID-19 transmission; and

WHEREAS, businesses that are open during the duration of this Executive Order are encouraged to follow the Guidelines for Businesses published by the North Carolina Department of Health and Human Services ("NCDHHS"), available electronically on its website; and

WHEREAS, food service and food availability remain an important component of North Carolina's response to the COVID-19 pandemic, such that food service providers, including restaurants and other dine-in facilities are encouraged to open to the extent practicable to safely provide food and nutrition to people in North Carolina; and

WHEREAS, it is in the interest of the State of North Carolina to provide as many viable avenues as practicable for North Carolina agricultural products to be consumed in-state in order to avoid unnecessary waste in the production of food; and

WHEREAS, the closure of on-premises dining in restaurants has significantly curtailed demand for food sold by restaurants and, therefore, disproportionately harmed workers, farms, and businesses involved in the sale of food through the restaurant supply chain and led to the waste of food produced by such workers, farms, and businesses; and

WHEREAS, because restaurants and grocery stores are served by different supply chains that cannot always be rapidly adjusted, the closure of on-premises dining in restaurants has shifted food demand to grocery stores, taxing the supply chain for grocery stores and leading to higher grocery prices for consumers; and

WHEREAS, reopening restaurants for on-premises dining in a safe, strategic manner should ameliorate the adverse economic effects on workers, farms, and businesses involved in the sale of food through the restaurant supply chain, prevent the waste of food, and reduce stress on the supply chain for grocery stores, thereby lowering grocery prices for consumers; and

WHEREAS, despite the unprecedented nature of the COVID-19 pandemic, people in North Carolina should have the opportunity to enjoy performing arts and competitive sporting events broadcast into their homes; and

WHEREAS, as long as progress continues to be met on the COVID-19 metrics, and as long as health care systems continue to be projected to have sufficient capacity for patient care, commerce that does not raise unreasonable risks of COVID-19 spread may be reopened; and

WHEREAS, with public health requirements in place and face coverings more readily available, personal care, grooming, and tattoo businesses may be reopened in a safe, strategic manner without raising unreasonable risk of COVID-19 spread; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate Gubernatorial vested authority under the Emergency Management Act and to provide for the sub-delegation of that authority; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(4) gives the undersigned the authority to "cooperate and coordinate" with the President of the United States; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set "the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease," and following this coordination, the Emergency Management Director and the State

Health Director have recommended that the Governor develop and order the plan and actions identified in this Executive Order; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.23 in conjunction with N.C. Gen. Stat. §§ 75-37 and 75-38, the undersigned may issue a declaration that shall trigger the prohibitions against excessive pricing during states of disaster, states of emergency or abnormal market disruptions; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if enacted or declared, in order to effectuate control over the emergency that has arisen; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes the undersigned to prohibit and restrict the movement of people in public places; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments, and other places to and from which people may travel or at which they may congregate; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) authorizes the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(1), when the undersigned imposes the prohibitions and restrictions enumerated in N.C. Gen. Stat. § 166A-19.31(b), the

undersigned may amend or rescind the prohibitions and restrictions imposed by local authorities; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the undersigned has the power to “give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article.”

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Definitions. In this Executive Order:

1. “**Bars**” means establishments that are not eating establishments or restaurants as defined in N.C. Gen. Stat. §§ 18B-1000(2) and 18B-1000(6), that have a permit to sell alcoholic beverages for onsite consumption under N.C. Gen. Stat. § 18B-1001, and that are principally engaged in the business of selling alcoholic beverages for onsite consumption.
2. “**Core Signage, Screening, and Sanitation Requirements**” are the following actions which establishments open to the public under the terms of this Executive Order must follow, namely:
 - a. Post the Emergency Maximum Occupancy in a noticeable place.
 - b. Post signage reminding attendees, customers, and workers about social distancing (staying at least six (6) feet away from others) and requesting that people who have been symptomatic with fever and/or cough not enter.
 - c. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.
 - d. Immediately isolate and remove sick workers.
 - e. Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).

NCDHHS has prepared sample signs and a sample screening checklist questionnaire, available at <https://covid19.ncdhhs.gov/guidance>, that may be used to meet some of the requirements above. Businesses or operations do not need to use the NCDHHS sample signs and questionnaires to meet the requirements of this Executive Order.

3. “**Emergency Maximum Occupancy**” is defined in Section 6.
4. “**Face Covering**” means a covering of the nose and mouth by wearing a covering or mask for the purpose of ensuring the physical health or safety of the wearer or others as defined in Session Law 2020-3 s. 4.3(a). In the context of the COVID-19 emergency, the Face Covering works to protect other people more than the wearer.
5. “**Personal Care, Grooming, and Tattoo Businesses**” means businesses that (a) do not provide health care services; and (b) either (i) have workers directly touch customers or (ii) have a piece of equipment (other than a touchscreen) repeatedly come into contact directly with customers’ skin. This includes, but is not limited to, barber shops, beauty salons (including but not limited to waxing and hair removal centers), hair salons, nail salons, manicure or pedicure providers, tattoo parlors, tanning salons, and massage therapists.
6. “**Recommendations to Promote Social Distancing and Reduce Transmission**” are defined in Section 3(B) below.

7. **"Restaurants"** means permitted food establishments, under N.C. Gen. Stat. § 130A-248, and other establishments that both prepare and serve food. This includes, but is not limited to, restaurants, cafeterias, food halls, dining halls, food courts, and food kiosks. This includes not only free-standing locations but also locations within other businesses or facilities, including, but not limited to airports, shopping centers, educational institutions, or private or members-only clubs where food and beverages are permitted to be consumed on premises.
8. **"Retail Business"** means any business in which customers enter a space to purchase goods or services, including but not limited to grocery stores, convenience stores, large-format retail stores, pharmacies, banks, and ABC stores. This also includes, but is not limited to, (i) retail establishments operated by the state, its political subdivisions, or agencies thereof, and (ii) state agencies under the jurisdiction of the undersigned which have a public-facing component offering a service, such as the Division of Motor Vehicles, the Department of Revenue, and shops in Department of Natural and Cultural Resources facilities.

Section 2. High-Risk Individuals Encouraged to Stay at Home.

People who are at high risk of severe illness from COVID-19 are very strongly encouraged to stay home and travel only for absolutely essential purposes. The Centers for Disease Control and Prevention ("CDC") defines high-risk individuals as people 65 years or older **and people of any age who have serious underlying medical conditions**, including people who are immunocompromised or who have chronic lung disease, moderate-to-severe asthma, serious heart conditions, severe obesity, diabetes, chronic kidney disease undergoing dialysis, or liver disease.

Section 3. Activities Outside the Home.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

- A. **Stay at Home Order Lifted.** The Stay at Home Order in Executive Order No. 138 is lifted. Individuals are strongly encouraged to telework to the greatest extent permissible by their employer.
- B. **Follow the Recommendations to Promote Social Distancing and Reduce Transmission.** When people are outside their homes, they are strongly encouraged to take the following Recommendations to Promote Social Distancing and Reduce Transmission:
 1. Maintain at least six (6) feet social distancing from other individuals, with the exception of family or household members.
 2. Wear a cloth Face Covering when leaving home and wear it inside all public settings such as grocery stores, pharmacies, or other retail or public-serving businesses. A Face Covering should also be worn outdoors when you cannot maintain at least six (6) feet distancing from other people with the exception of family or household members. These coverings function to protect other people more than the wearer.
 3. Carry hand sanitizer with you when leaving home, and use it frequently.
 4. Wash hands using soap and water for at least twenty (20) seconds as frequently as possible.
 5. Regularly clean high-touch surfaces such as steering wheels, wallets, and phones.
 6. Stay at home if sick.

Section 4. Exemptions from This Executive Order.

Worship, religious, and spiritual gatherings, funeral ceremonies, wedding ceremonies, and other activities constituting the exercise of First Amendment rights are exempt from all the

requirements of this Executive Order and Executive Order Nos. 121 and 138, notwithstanding any other provision of this Executive Order or of Executive Order Nos. 121 and 138.

The undersigned strongly urges that entities and individuals engaging in these exempted activities follow the Recommendations to Promote Social Distancing and Reduce Transmission, avoid exceeding Emergency Maximum Occupancy in the places where they meet, and avoid holding Mass Gatherings.

Section 5. Structure of This Executive Order.

The restrictions in this Executive Order are tailored for particular situations where COVID-19 can spread. As a result, the restrictions in this Executive Order fall into three categories:

- Section 6 establishes restrictions for certain listed kinds of businesses and operations. The restrictions in this Section ensure that there is not overcrowding and spread people out in each space to reduce the risk from COVID-19.
- Section 7 establishes a Mass Gathering limit. This limit controls the risk of COVID-19 spread in events or convenings that are not covered by the specific restrictions in Section 6.
- Section 8 keeps closed certain kinds of businesses and operations because those types of businesses, by their very nature, present greater risks of the spread of COVID-19. These greater risks are due to factors such as people traditionally interacting in that space in a way that would spread COVID-19, shared equipment that is repeatedly touched by customers or attendees, or a business model that involves customers or attendees remaining in a confined indoor space over a sustained period.

Section 6. Restrictions on Certain Businesses and Operations.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. **Prohibition.** To control the spread of COVID-19 and protect lives during the State of Emergency, this Section lists restrictions on the operations of business establishments and other places to or from which people may travel or at which they may congregate. Businesses or operations within the scope of this Section are prohibited from operating unless they follow the restrictions stated in this Section.

B. Retail Businesses.

1. **Requirements for Retail Businesses.** While this Executive Order is in effect, all open Retail Businesses must do all of the following.
 - a. Limit customers inside the store to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a Retail Business is the lowest number produced by applying the following two tests:
 - i. Limit the number of customers in the store to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than twelve (12) customers for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to customers or guests).
 - ii. Limit the number of people in the store so that everyone can stay six (6) feet apart.
 - b. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for customers, such as at deli counters and near high-demand products.
 - c. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.

C. **Restaurants.**

1. **Restaurants May Open for On-Premises Service.** During the effective period of this Executive Order, restaurants may allow on-premises consumption of food and beverages. Restaurants must meet the sanitation requirements of this Section even if they are open only for take-out or delivery service.
2. **Requirements.** While this Executive Order is in effect, all open restaurants must do all of the following:
 - a. Limit customers in indoor and outdoor seating areas to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a restaurant is the lowest number produced by applying the following three tests:
 - i. Limit the number of customers in the restaurant to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than twelve (12) customers for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to customers or guests).
 - ii. Limit the number of people in the space so that groups can stay six (6) feet apart.
 - iii. Arrange the restaurant so that customers sitting at a table are not within six (6) feet of any customers sitting at another table. Moreover, each group of customers sitting at a counter should be separated from other groups by six (6) feet.
 - b. Limit customers at tables so that no more than ten (10) people shall be seated together at the same table. However, more than ten (10) people may sit together at the same table if they are members of the same household.
 - c. Workers in Restaurants are strongly encouraged to wear Face Coverings when they are within six (6) feet of another person. Notwithstanding this general rule, people whose religious beliefs prevent them from wearing a Face Covering, people who cannot wear a Face Covering due to a medical or behavioral health condition, and people who are under twelve (12) years of age are excepted from the requirement to wear a Face Covering. Children under two (2) years of age shall not wear a Face Covering so that their breathing may not be inhibited.
 - d. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order, along with the following additional requirements:
 - i. Increase disinfection during peak times or high customer density times, and disinfect all shared objects (e.g., dining tables, booths, counters, payment terminals, tables, countertops/bars, receipt trays, condiment holders, and reusable menus) between each use.
 - ii. Promote frequent use of hand-washing and hand sanitizer for wait staff and food service staff throughout the shift and upon reporting to work. Hand washing must at least meet the requirements specified in the North Carolina Food Code Manual.
 - e. Mark six (6) feet of spacing in lines at high-traffic areas for customers, such as a cash register or place where customers wait to be seated at their table.
3. **Clarifications.** People sitting at a table need not be members of the same household and do not need to stay six (6) feet apart. Moreover, this Executive Order does not require servers and wait staff to stay six (6) feet away from customers.

4. **Miscellaneous.** A restaurant that operates consistent with the terms of this Subsection of this Executive Order shall continue to be considered an “Essential Business” for the purpose of N.C. Sess. L. 2020-03, Sec. 4.14(a) to the extent that COVID-19-related claims are made against the restaurant.

D. Personal Care, Grooming, and Tattoo Businesses.

1. **Personal Care, Grooming, and Tattoo Businesses May Open.** During the effective period of this Executive Order, Personal Care, Grooming, and Tattoo Businesses may operate, but must be in compliance with this Section.
2. **Requirements.** While this Executive Order is in effect, all open Personal Care, Grooming, and Tattoo Businesses must do all of the following:
 - a. Limit customers inside the store to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a Personal Care, Grooming, and Tattoo Business is the lowest number produced by applying the following two tests:
 - i. Limit the number of customers in the store to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than twelve (12) customers for every one thousand (1000) square feet of the location’s total square footage, including the parts of the location that are not accessible to customers or guests).
 - ii. Limit the number of people in the store so that patrons can stay six (6) feet apart.
 - b. Arrange seating so that groups of customers are separated from one another by six (6) feet.
 - c. Workers in Personal Care, Grooming, and Tattoo Businesses shall wear Face Coverings when they are within six (6) feet of another person. Notwithstanding this general requirement, people whose religious beliefs prevent them from wearing a Face Covering, people who cannot wear a Face Covering due to a medical or behavioral condition, and people who are under twelve (12) years of age are excepted from the requirement to wear a Face Covering. Children under two (2) years of age shall not wear a Face Covering so that their breathing may not be inhibited.
 - d. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order, except for the requirement to have signage remind people about staying six (6) feet apart.
 - e. Ensure that all equipment that comes into direct personal contact with customers and all furniture in service areas (such as chairs, capes, and the shampooing area in a barber shop or salon) is completely cleaned and disinfected between each customer.
 - f. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for customers, such as at cash registers and waiting areas.
3. **Recommendation.** Patrons in Personal Care, Grooming, and Tattoo Businesses are strongly encouraged to wear Face Coverings when they are within six (6) feet of another person, unless they cannot wear Face Coverings due to religious beliefs, age, or a medical or behavioral health condition.

E. Pools.

1. **Indoor and Outdoor Pools May Open.** During the effective period of this Executive Order, indoor or outdoor pool facilities (whether stand-alone or part of other facilities) may operate, but must be in compliance with this Subsection.
2. **Requirements.** While this Executive Order is in effect, all open pool facilities must do all of the following:
 - a. Limit the user capacity in the pool to no more than 50% of maximum occupancy as determined by fire code (or, when fire code number is not known, thirty-three (33) people per one thousand (1000) square feet in deck areas, wading pools and splash pads), and a maximum occupancy in the water of ten (10) people per one thousand (1000) square feet. This user capacity is the Emergency Maximum Occupancy for the pool facility.
 - b. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.
3. This Subsection applies only to shared pools in commercial settings or at residential complexes. It does not apply to family pools at people's homes.

F. Child Care Facilities.

1. **Child Care Facilities May Open and May Serve All Children.** Child care facilities may open or reopen, and they may serve all children in North Carolina. All references to "covered children" in Executive Order Nos. 130 and 138 shall refer to all children.
2. **Requirements.** Child care facilities that are open or reopened consistent with the Executive Order must abide by the following requirements:
 - a. Follow all applicable NCDHHS guidelines.
 - b. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.
 - c. Conduct a daily health screening on all individuals who are entering the building.
 - d. Immediately isolate sick workers and children from the rest of the facility and send them home.
 - e. Have a plan to work with local health departments to identify close contacts of confirmed cases in the child care setting.
 - f. Before reopening, child care facilities shall submit to NCDHHS the Emergency Child Care Provider Application. NCDHHS must approve the Emergency Child Care Provider Application before the child care facility can reopen.
3. **Relationship to Previous Executive Orders.** Subdivisions 1 and 2(a) of this Subsection completely replace Subsections (C) and (D) of Section 2 of Executive Order No. 130. Otherwise, Section 2 of Executive Order No. 130 and Section 3 of Executive Order No. 139 shall remain in effect through 5:00 pm on June 26, 2020. The effective date provisions of those Executive Orders are amended accordingly.

G. Day Camps and Overnight Camps.

1. **Requirements for Day Camps.**
 - a. Follow all applicable NCDHHS guidelines.

- b. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.
- c. Conduct a daily health screening on all individuals who are entering the building.
- d. Immediately isolate sick workers and children from the rest of the facility and send them home.
- e. Public schools operating day camps and programs may open for the purpose of the day camp or program, but must otherwise remain closed to the general public.
- f. Have a plan to work with local health departments to identify close contacts of confirmed cases in the camp setting.

2. Requirements for Overnight Camps.

- a. Follow all applicable NCDHHS guidelines.
- b. Conduct daily symptom screening of workers.
- c. Immediately isolate sick campers and staff away from others.
- d. If a camper or staff member has been diagnosed with COVID-19 or is presumed positive by a medical professional due to symptoms, the camper or staff member should be isolated away from other campers and staff until they meet the CDC criteria for release from isolation:
 - i. No fever for at least 72 hours since recovery (without the use of fever-reducing medicine); and
 - ii. Other symptoms have improved (e.g., coughing, shortness of breath); and
 - iii. At least ten (10) days have passed since first symptoms.
- e. Have a plan to work with local health departments to identify close contacts of confirmed cases in a camp setting
- f. Perform ongoing and routine environmental cleaning and disinfection of high-touch areas (e.g., doors, doorknobs, rails) with an EPA approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19), increasing disinfection during peak times or high camper density times.

3. Programs and camps for adults are not covered by this Section.

Section 7. Mass Gatherings.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. Prohibition on Mass Gatherings.

- 1. **Prohibition.** Mass Gatherings are prohibited. "Mass Gathering" means an event or convening that brings together more than ten (10) people indoors or more than twenty-five (25) people outdoors at the same time in a single confined indoor or outdoor space, such as an auditorium, stadium, arena, or meeting hall. This includes parades, fairs, and festivals. In publicly accessible indoor facilities, the Mass Gathering limit applies per room of the facility. A household where more than ten (10) people reside is not a Mass Gathering.

The outdoor Mass Gathering limit of twenty-five (25) people applies to groups of people that may gather together in a park, and on a beach or trail.

2. **Exceptions from Prohibition on Mass Gatherings.** Notwithstanding Subsection (A)(1) above:

- a. The prohibition on Mass Gatherings does not apply to any of the restricted businesses and operations identified in Section 6 of this Executive Order, because in those situations, transmission of COVID-19 will be controlled through the measures specifically tailored for each situation that are listed in those Sections. The prohibition on Mass Gatherings also does not apply to educational institutions or government operations.
- b. The prohibition on Mass Gatherings does not include gatherings for health and safety, to look for and obtain goods and services, for work, or for receiving governmental services. A Mass Gathering does not include normal operations at airports, bus and train stations or stops, medical facilities, libraries, shopping malls, and shopping centers. However, in those settings, people must follow the Recommendations to Promote Social Distancing and Reduce Transmission as much as possible, and they should circulate within the space so that there is no sustained contact between people.

B. **Parks, Trails, and Beaches.**

1. Each group of people within a park, trail, or beach must be limited so that the group, counted on its own, does not exceed the Mass Gathering limit.
2. All operators of open public or private parks must meet the following requirements:
 - a. Post signage reminding attendees, customers, and workers about social distancing (staying at least six (6) feet away from others) and requesting that people who have been symptomatic with fever and/or cough not enter.
 - b. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.
 - c. Immediately isolate and remove sick workers.
 - d. Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).
3. **Public Playgrounds Remain Closed.** Because public playground equipment may increase spread of COVID-19, public playgrounds will remain closed during the effective phase of this Executive Order, including public playground equipment located in parks.

C. **Drive-ins.** Events are not prohibited Mass Gatherings if the participants all stay within their cars, such as at a drive-in movie theater.

D. **Households.** A household where more than ten (10) people reside is not a Mass Gathering.

Section 8. Orders of Closure.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. **Entertainment and Fitness Facilities.**

1. In addition to the restrictions on Mass Gatherings identified in Section 7 of this Executive Order, the following entertainment and fitness facilities that operate within a confined indoor or outdoor space and do not offer a retail or dining component are ordered to close. Any retail or dining component within the following entertainment and fitness facilities may operate solely for retail or dining, but those components must comply with the restrictions set out in Section 6 of this Executive Order.

2. Entertainment and fitness facilities restricted by this Subsection include, but are not limited to, the following types of business:

- Bingo Parlors, including bingo sites operated by charitable organizations
- Bowling Alleys
- Indoor Exercise Facilities (e.g., yoga studios, dance studios, martial arts facilities, indoor trampoline and rock climbing facilities)
- Gyms
- Indoor Fitness Facilities, including but not limited to indoor basketball courts, volleyball courts, racquetball courts, squash courts, and tennis courts
- Health Clubs and Fitness Centers
- Movie Theaters
- Skating Rinks
- Gaming and business establishments which allow gaming activities (e.g., video poker, gaming, sweepstakes, video games, arcade games, pinball machines or other computer, electronic or mechanical devices played for amusement)
- Venues for Receptions or Parties
- Museums
- Amusement Parks
- Bars
- Night Clubs, Dance Halls, or Music Halls where patrons are not seated.

B. **Limitations of this Executive Order**. This Executive Order solely directs that bars are not to serve alcoholic beverages for onsite consumption, and this Executive Order does not direct the closure of retail beverage venues that provide for the sale of beer, wine, and liquor for off-site consumption only. It also does not require the closure of production operations at breweries, wineries, or distilleries.

C. **Training of Professional and Collegiate Athletes**. Professional athletes and athletes performing on an agreement with an educational institution to receive a scholarship or other benefit may train within indoor fitness facilities that otherwise would be closed under Subsection A above, provided they do not exceed the Mass Gathering limit.

D. **ABC Commission**. If the Alcoholic Beverage Control Commission (the “ABC Commission”) identifies other state laws, regulations, and policies that may affect bars, restaurants, and other dining establishments identified in this Executive Order, it is directed to inform the Office of the Governor in writing. Upon written authorization from the Office of the Governor, the ABC Commission may interpret flexibly, modify, or waive those state laws, regulations and policies, as appropriate, and to the maximum extent permitted under applicable state and federal law, to effectuate the purposes of this Executive Order.

Section 9. Entertainment and Sporting Events in Large Venues.

A. **Intent**. The intent of this Section is to permit venues to hold sporting or entertainment events, for the recording of and broadcast to the public, if the venue is of sufficient size to allow people to flow in and out of the venue in a way that would avoid creating a risk of spreading COVID-19.

B. **Exception**. Therefore, as an exception to the closure of entertainment and fitness facilities in Section 8 above, an entertainment or sporting venue with at least two entrances and exits and a stated fire capacity of at least five hundred (500) may hold a performance by entertainers, performers, or athletes. The venue must control the flow of people through lobbies and other common spaces to allow social distancing and avoid the spread of COVID-19.

C. **Treatment under Mass Gathering Limit**. In this situation, and only in this situation: (1) entertainers, performers, and athletes, along with coaches, training, support, and broadcast staff, shall not count toward the Mass Gathering limit and (2) employees and other workers at facilities where entertainment and sporting events occur also shall not count toward the Mass Gathering limit.

- D. **Restrictions on Spectators.** Spectators or other attendees at any sporting or entertainment events allowed under this Section must be no more than the Mass Gathering limit of ten (10) people indoors or more than twenty-five (25) people outdoors. Moreover, any entertainers or athletes must stay six (6) feet away from spectators.
- E. **Requirements for Large Venue Operators.** Any venue operator subject to this Section allowing an event permitted by this Section shall:
1. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.
 2. Increase disinfection during peak times or high customer density times, and disinfect all shared objects (e.g., payment terminals, tables, countertops/bars, receipt trays, condiment holders) between use.
 3. Immediately isolate and remove sick workers.
 4. Any food service at sporting or entertainment events must comply with the restrictions set out in Section 6 of this Executive Order. Bars at sporting or entertainment events must remain closed.

Section 10. Provisions from Previous Executive Orders.

- A. The provisions on schools contained in Section 4(E) of Executive Order No. 138 and signed on May 05, 2020 by the undersigned are incorporated by reference into this Executive Order and adopted as if reprinted here in full.
- B. The Long Term Care provisions contained in Section 7 of Executive Order No. 138 and signed on May 05, 2020 by the undersigned are incorporated by reference into this Executive Order and adopted as if reprinted here in full.
- C. The Local Order provisions contained in Section 8 of Executive Order No. 138 and signed on May 05, 2020 by the undersigned are incorporated by reference into this Executive Order and adopted as if reprinted here in full. The references to maximum occupancy standards for Retail Businesses in Section 8 of Executive Order No. 138 shall instead refer to the equivalent provisions in this Executive Order.
- D. Otherwise, all previous travel restrictions, orders to stay at home, and prohibitions of mass gatherings in Executive Orders Nos. 121 and 138 are no longer in effect and are replaced by this Executive Order.

Section 11. Extension of Price Gouging Period.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

Pursuant to N.C. Gen. Stat. § 166A-19.23, the undersigned extends the prohibition against excessive pricing, as provided in N.C. Gen. Stat. §§ 75-37 and 75-38, from the issuance of Executive Order No. 116 through 5:00 pm on June 26, 2020.

The undersigned further hereby encourages the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report to the public any price gouging and unfair or deceptive trade practices under Chapter 75 of the North Carolina General Statutes.

Section 12. No Private Right of Action.

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any emergency management worker (as defined in N.C. Gen. Stat. § 166A-19.60) or any other person.

Section 13. Savings Clause.

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 14. Distribution.

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 15. Enforcement.

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers.
- B. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d), and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.
- C. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual's conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual's access to a particular place).

Section 16. Effective Date.


This Executive Order is effective at 5:00 pm on May 22, 2020. This Executive Order shall remain in effect through 5:00 pm on June 26, 2020 unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 20th day of May in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





Plaintiff's Complaint
Exhibit G

State of North Carolina

ROY COOPER
GOVERNOR

June 24, 2020

EXECUTIVE ORDER NO. 147

EXTENSION OF PHASE 2 ORDER AND NEW MEASURES TO SAVE LIVES IN THE COVID-19 PANDEMIC

Background Statement

The COVID-19 Public Health Emergency

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, 138-144, and 146; and

WHEREAS, more than fifty-six thousand people in North Carolina have had laboratory-confirmed cases of COVID-19, and more than twelve hundred people in North Carolina have died from the disease; and

The Need to Extend Executive Order No. 141

WHEREAS, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

WHEREAS, slowing and controlling community spread of COVID-19 is critical to ensuring that the state's healthcare facilities remain able to accommodate those who require medical assistance; and

WHEREAS, in Executive Order No. 141, issued on May 20, 2020, the undersigned urged that all people in North Carolina follow social distancing recommendations, including that everyone wear a cloth face covering, wait six (6) feet apart and avoid close contact, and wash hands often or use hand sanitizer; and

WHEREAS, to reduce COVID-19 spread, the undersigned, in Executive Order No. 141, required safety measures in certain business settings, limited mass gatherings, and closed certain types of businesses and operations; and

WHEREAS, North Carolina's daily case counts of COVID-19 are continuing to increase, the percent of COVID-19 tests that are positive has not decreased, emergency department visits for COVID-19 illnesses are increasing, and hospitalizations for COVID-19 are increasing, which require the undersigned to continue the measures of Executive Order No. 141—and impose additional measures—to slow the spread of this virus during the pandemic; and

WHEREAS, a phased approach to reigniting the economy and reducing restrictions on businesses and activities – with some businesses and activities that pose a risk for COVID-19 spread remaining closed— is necessary to slow the spread of COVID-19, since the operation of each group of businesses and the loosening of each restriction on businesses or activities adds incremental risk and thereby increases the aggregate risk of spread of COVID-19; and

Face Coverings

WHEREAS, face coverings can decrease the spread of respiratory droplets from people, and evidence has grown, showing in numerous recent studies that the use of face coverings decreases the spread of COVID-19 within populations; and

WHEREAS, in Executive Order No. 141, the undersigned required that workers in personal care, grooming, and tattoo businesses wear cloth face coverings to reduce the spread of COVID-19; and

WHEREAS, to prevent the spread of COVID-19, and thereby to potentially save lives, the undersigned has determined that face coverings must now be required for workers in additional business segments; and

WHEREAS, the undersigned strongly recommends that all people over the age of two (2) in North Carolina should wear a face covering to reduce the spread of COVID-19; and

WHEREAS, some people have medical or behavioral health issues, disabilities, or other reasons that mean they should be excepted from wearing a face covering, and this Executive Order puts North Carolinians on the honor system to identify if they are within one of the exceptions to face covering requirements and should not wear a mask; and

WHEREAS, under this Executive Order, face coverings are required in many types of businesses, but businesses have the discretion to accommodate people who cannot wear face coverings by serving them at curbside, using home delivery, or using other means to protect against the spread of COVID-19; and

WHEREAS, all people over the age of two (2) in North Carolina should use a face covering to reduce the spread of COVID-19, but some populations may experience increased anxiety and fear of bias and being profiled if wearing face coverings in public spaces; and

WHEREAS, if someone is the target of ethnic or racial intimidation as the result of adhering to the face covering provision or as a result of the pandemic, they are encouraged to report the matter to law enforcement or another government entity; and

Expanding Capacity to Respond to COVID-19

WHEREAS, since the issuance of executive orders to slow the spread of COVID-19, North Carolina has increased its capacity to treat COVID-19, its capacity for testing and tracing, and the availability of PPE; and

WHEREAS, since the declaration of a state of emergency in Executive Order 116, North Carolina has accumulated increased PPE for health care workers and first responders, has developed health care protocols and procedures for the treatment of COVID-19, and has adopted recommendations to promote social distancing and hygiene measures that reduce transmission of COVID-19; and

WHEREAS, the state's ability to conduct testing of individuals is vital to the effort to slow the community spread of COVID-19; and

WHEREAS, historically marginalized populations, including persons of color and Latinx individuals are disproportionately affected by COVID-19, and may have more trouble accessing COVID-19 testing; and

WHEREAS, the undersigned issued Executive Order No. 143 addressing the impact of COVID-19 on persons of color; and

WHEREAS, the State Health Director has been assigned authority by the Secretary of the North Carolina Department of Health and Human Services ("NCDHHS"), pursuant to N.C. Gen. Stat. § 130A-3, to exercise authorities under N.C. Gen. Stat. § 130A-5, including to investigate the causes of communicable disease affecting the public health in order to control and prevent those diseases, to provide, under the rules of the North Carolina Commission for Public Health, for the prevention, detection, reporting, and control of communicable diseases, and to develop and carry out health programs necessary for the protection and promotion of the public health and the control of diseases; and

WHEREAS, a state-wide standing order for COVID-19 testing will remove barriers and increase access to testing for historically marginalized and underserved populations and other individuals who do not have access to a primary care physician and facilitate widespread community testing, testing of high-risk populations, and high through-put testing sites; and

Statutory Authority and Determinations

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate Gubernatorial vested authority under the Emergency Management Act and to provide for the sub-delegation of that authority; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(4) gives the undersigned the authority to "cooperate and coordinate" with the President of the United States; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set "the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease," and following this coordination, the Emergency Management Director and the State Health Director have recommended that the Governor develop and order the plan and actions identified in this Executive Order; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.23 in conjunction with N.C. Gen. Stat. §§ 75-37 and 75-38, the undersigned may issue a declaration that shall trigger the prohibitions against excessive pricing during states of disaster, states of emergency or abnormal market disruptions; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if enacted or declared, in order to effectuate control over the emergency that has arisen; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes the undersigned to prohibit and restrict the movement of people in public places; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments, and other places to and from which people may travel or at which they may congregate; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) authorizes the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(1), when the undersigned imposes the prohibitions and restrictions enumerated in N.C. Gen. Stat. § 166A-19.31(b), the undersigned may amend or rescind the prohibitions and restrictions imposed by local authorities; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the undersigned has the power to “give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article.”

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, and for the reasons and pursuant to the statutes listed above and in Executive Order No. 141, **IT IS ORDERED**:

Section I. Extension and Amendment of Phase 2 Order.

Executive Order No. 141 shall remain in effect, as amended below, until 5:00 pm on July 17, 2020. The effective date provision of Executive Order No. 141 is amended to have that order continue in effect through the above-listed time and date.

Section II. New Requirements to Wear Face Coverings.

Executive Order No. 141 is amended to add the following section.

Section 3.5. Face Coverings.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. **Definitions.** “**Face Covering**” means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a Face Covering has two (2) or more layers. A Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not intended for use by healthcare providers in the care of patients. “**Surgical Mask**” means American Society for Testing and Materials (“ASTM”) Level 1, 2, or 3 approved procedural and surgical masks. An N95 respirator approved by the National Institute for Occupational Safety and Health (“NIOSH”) (or a respirator from another country allowed by the Occupational Safety & Health Administration, the Food & Drug Administration, or the CDC) is not recommended for general public use or use in public settings, as it should be reserved for healthcare providers and other medical first responders in a health care setting. However, if worn, these respirators would meet both the Face Covering and Surgical Mask requirements of this Executive Order. A face shield that covers the nose and mouth also meets the Face Covering requirements of this Executive Order.

B. **Where Face Coverings Are Required.** People are required to wear Face Coverings in the following settings, whether they are inside or outside, unless an exception applies.

1. **In Retail Businesses.** Retail Businesses must have all workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, Retail Businesses must have all customers wear Face Coverings when they are inside the establishment and may be within (6) feet of another person, unless the customer states that an exception applies.
2. **In Restaurants.** Restaurants must have all workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, restaurants must have all customers wear Face Coverings when not at their table, unless the customer states that an exception applies.
3. **In Personal Care, Grooming, and Tattoo Businesses.** Personal Care, Grooming, and Tattoo Businesses must have workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, the

business must have all customers wear Face Coverings when they are inside the establishment and may be within six (6) feet of another person, unless the customer states that an exception applies. Customers may take off their Face Coverings if they are receiving a facial treatment, shave, or other services on a part of the head which the Face Covering covers or by which the Face Covering is secured.

4. **In Child Care Facilities, Day Camps, and Overnight Camps.** Child care facilities, day camps, and overnight camps must have workers, all other adults, and children eleven (11) years or older on site wear Face Coverings when they are or may be within six (6) feet of another person.
5. **In State Government.** State government agencies headed by members of the Governor's Cabinet must have their on-site workers wear Face Coverings when they are or may be within six (6) feet of another person. Public-facing operations of state government agencies under the jurisdiction of the undersigned must also follow the requirements for Retail Businesses established in this Executive Order.

All other state and local government agencies are strongly encouraged to adopt similar policies that require Face Coverings.

6. **In Transportation.** All workers and riders on public or private transportation regulated by the State of North Carolina, as well as all people in North Carolina airports, bus and train stations or stops, must wear Face Coverings when they are or may be within six (6) feet of another person. This provision does not apply to people traveling alone with household members or friends in their personal vehicles, but does apply to ride-shares, cabs, vans, and shuttles, even if the vehicles are privately owned.

Notwithstanding the foregoing, no customer will be removed from or denied entry to public transportation for failure to wear a Face Covering.

7. **In Certain High-Density Occupational Settings Where Social Distancing is Difficult.** Social distancing is inherently difficult where multiple workers are together in manufacturing settings, at construction sites, and in migrant farm, other farm, and agricultural settings. Therefore, in businesses or operations within North American Industry Classification System (NAICS) sectors 311 to 339 (manufacturing), 236 to 238 (construction), and 111, 112, 1151, and 1152 (agriculture), all workers must wear Face Coverings when they are or may be within six (6) feet of another person.
8. **In Meat or Poultry Processing Plants.** All workers in any meat or poultry processing plant, packing plant, or slaughterhouse must wear Face Coverings when they are or may be within six (6) feet of another person, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.
9. **Long Term Care Facilities.** All workers in Long Term Care ("LTC") Facilities, including skilled nursing facilities ("SNF"), adult care homes ("ACH"), family care homes ("FCH"), mental health group homes, and intermediate care facilities for individuals with intellectual disabilities ("ICF-IID"), must wear Face Coverings while in the facility, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.
10. **Other Health Care Settings.** Health care facilities other than LTC facilities must follow the Face Covering requirements in the CDC [Infection Control Guidance for Healthcare Professionals about Coronavirus \(COVID-19\)](#).

C. **Exceptions.** This Executive Order does not require Face Coverings for—and a Face Covering does not need to be worn by—a worker, customer, or patron who:

1. Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the face covering without assistance);
2. Is under eleven (11) years of age;
3. Is actively eating or drinking;
4. Is strenuously exercising;
5. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
6. Is giving a speech for a broadcast or to an audience;
7. Is working at home or is in a personal vehicle;
8. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
9. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
10. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle; or
11. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face.

Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition.

Children under two (2) years of age should not wear a Face Covering.

D. **Application of Exceptions.** Under this Executive Order, all North Carolinians will be on the honor system about whether or not there is a reason why they cannot wear a Face Covering. Everyone in this state is asked to tell the truth and—if they are healthy and able to wear a mask—to wear a Face Covering so that they do not put other people at risk of serious illness and death.

E. **How Businesses May Accommodate Exceptions.** If a customer states that an exception applies, a business may choose to offer curbside service, provide home delivery, or use some other reasonable measure to deliver its good or services.

F. **Enforcement of Face Covering Requirements.**

1. Citations under this Section shall be written only to businesses or organizations that fail to enforce the requirement to wear Face Coverings. Operators of businesses and organizations are entitled to rely on their customers or patrons' statements about whether or not they are excepted from the Face Covering requirements, and businesses and organizations do not violate this Executive Order if they rely on such statements.
2. Law enforcement personnel are not authorized to criminally enforce the Face Covering requirements of this Executive Order against individual workers, customers, or patrons.
3. However, if a business or organization does not allow entry to a worker, customer, or patron because that person refuses to wear a Face Covering, and if that worker, customer, or patron enters the premises or refuses to leave the premises, law enforcement personnel may enforce the trespassing laws and any other laws (other than N.C. Gen. Stat. § 14-288.20A) that the worker, customer, or patron may violate.

Section 15(A) of Executive Order No. 141 is amended to read:

- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers. Enforcement of Section 3.5 shall be limited as stated in that Section. Law enforcement and other public safety and emergency management personnel are strongly encouraged to educate and encourage voluntary compliance with all the provisions of this Executive Order.

Section 1(4) of Executive Order No. 141 is amended to read, “‘Face Covering’ is defined in Section 3.5(A).”

Section 6(A) of Executive Order No. 141 is amended to read as follows:

- A. **Prohibition.** To control the spread of COVID-19 and protect lives during the State of Emergency, Section 3.5 and this Section list restrictions on the operations of business establishments and other places to or from which people may travel or at which they may congregate. Businesses or operations within the scope of Section 3.5 or this Section are prohibited from operating unless they follow any applicable restrictions stated in Section 3.5 and this Section.

Sections 6(C)(2)(c), 6(D)(2)(c), and 6(D)(3) of Executive Order No. 141 are removed, since the substance of those provisions has been replaced with new Section 3.5 above.

Section III. Increase Access to COVID-19 Testing Through a Statewide Standing Order.

Executive Order No. 141 is amended to add the following additional section.

Section 9.5. Statewide Standing Order for COVID-19 Testing.

In order to further protect the public health by providing greater access to COVID-19 testing, the undersigned orders the State Health Director, in addition to and in accordance with her powers set out in N.C. Gen. Stat. Chapter 130A, to issue any statewide standing order needed in her medical judgment that would allow individuals who meet NCDHHS criteria for testing to access and undergo testing for COVID-19, subject to the terms of the standing order. This standing order may continue for the duration of the State of Emergency.

Section IV. More Precisely Tailored Mitigation Measures for Long Term Care.

Section 10(B) of Executive Order No. 141 and Section 7 of Executive Order No. 138 are removed and replaced by the following provision added to Executive Order No. 141.

Section 10.5. Limitations on Certain Long Term Care Facilities.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

- A. **Scope of this Section.** This Section applies only to skilled nursing facilities (SNF) and combination homes (combined skilled nursing and assisted living facilities).
- B. **Limitations.** Facilities within the scope of this Section shall restrict visitation of all visitors and non-essential health care personnel, except for certain compassionate care situations, such as an end-of-life situation. Facilities within the scope of this Section shall also cancel communal dining and all group activities, including internal and external activities.

Section V. Extension of Price Gouging Period.

Section 11 of Executive Order No. 141 is amended to read as follows:

Pursuant to N.C. Gen. Stat. § 166A-19.23, the undersigned extends the prohibition against excessive pricing, as provided in N.C. Gen. Stat. §§ 75-37 and 75-38, from the issuance of Executive Order No. 116 through 5:00 pm on July 17, 2020.

The undersigned further hereby encourages the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report to the public any price gouging and unfair or deceptive trade practices under Chapter 75 of the North Carolina General Statutes.

Section VI. Effective Date.

This Executive Order is effective at 5:00 pm on June 26, 2020. This Executive Order shall remain in effect through 5:00 pm on July 17, 2020 unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

Notwithstanding any provision of this Section and Section 16 of Executive Order No. 141, any statewide standing order for COVID-19 testing issued by the State Health Director under Section 9.5 of Executive Order No. 141 (as added by Section III of this Executive Order) shall remain in effect for the duration of the State of Emergency unless specifically repealed, replaced, or rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 24th day of June in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



Plaintiff's Complaint
Exhibit H

Subject: [External] NOTICE for concurrence vote on new Executive Order

Date: Tuesday, March 17, 2020 at 11:25:43 AM Eastern Daylight Time

From: Polk, Will

To: Worley, Martha S, Josh Stein, Candy Finley, Jones, Kristi - Governor Office, Britt, Art, chris farr, Christopher McCracken, cindy.esparragoza, Causey, Mike, Troxler, Steve, folwell, dale, Dale Folwell, Forest, Dan J, Smith, David, White, Julia W, Sprayberry, Mike (NCEM), Browning, Teresa, seth Dearmin, DPI-assitant meredith.steadman , Cooper, Roy A, Haigwood, Jennifer, Whichard, Jordan, Berry, Cherie, lisa.frazier , Lockamy, Kela W, Lt. Governor Dan Forest, McLeod, Gregory S, Moore, Susan M, Renee_Gellerson@ncauditor.net, Hargis, Scarlett W, E. Marshall, SOS- Assistant Jennell Baughman, Beth Wood, Perusse, Charlie, Mark Johnson, Anna.Yount, Walker, Steven, McKinney, William C, Hedgecock, Zane

CC: Hooks, Erik A. (NCDPS), Gilchrist, Jane (CCPS), Cashwell, Pamela (CCPS)

Priority: High

External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report_spam@nc.gov

Dear Members of the Council of State,

Please stand by for a concurrence e-mail on a new Executive Order related to COVID-19. I will send an e-mail for your concurrence within the hour.

Best,
Will

Will Polk
Assistant General Counsel
NC Department of Public Safety
4201 Mail Service Center
Raleigh, NC 27699-4201
919-825-2706 (Office)
919-219-4534 (mobile)
EMAIL ADDRESS: Will.Polk@ncdps.gov
www.ncdps.gov

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Subject: [External] Concurrence on Executive Order

Date: Tuesday, March 17, 2020 at 12:41:22 PM Eastern Daylight Time

From: Polk, Will

To: Worley, Martha S, Josh Stein, Candy Finley, Cashwell, Pamela (CCPS), Jones, Kristi - Governor Office, Britt, Art, chris farr, Christopher McCracken, cindy.esparragoza, Causey, Mike, Troxler, Steve, folwell, dale, Dale Folwell, Forest, Dan J, Smith, David, White, Julia W, Sprayberry, Mike (NCEM), Browning, Teresa, seth Dearmin, DPI-assitant meredith.steadman , Gilchrist, Jane (CCPS), Cooper, Roy A, Hooks, Erik A. (NCDPS), Haigwood, Jennifer, Whichard, Jordan, Berry, Cherie, lisa.frazier , Lockamy, Kela W, Lt. Governor Dan Forest, McLeod, Gregory S, Moore, Susan M, Renee_Gellerson@ncauditor.net, Hargis, Scarlett W, E. Marshall, SOS- Assistant Jennell Baughman, Beth Wood, Perusse, Charlie, Mark Johnson, Anna.Yount, Walker, Steven, McKinney, William C, Hedgecock, Zane

Priority: High

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Dear Members of the Council of State,

Governor Cooper is requesting your concurrence on two items to limit human suffering and limit the spread of COVID-19 cases in North Carolina.

Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), in order to utilize all available State resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services; and, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5) which allows the Governor to perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population, the Governor is seeking concurrence on the following:

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 - b. the able to work and available to work requirements (N.C. Gen. Stat. § 96-14.9(b));
 - c. the work search requirements (N.C. Gen. Stat. § 96-14.9(b));
 - d. the actively seeking work requirements (N.C. Gen. Stat. § 96-14.9(e)); and
 - e. the "lack of work" requirement of the unemployed provisions of N.C. Gen. Stat. § 96-15.01.
 - f. employers' accounts will not be allocated charges for individuals who are paid benefits for reasons related to COVID-19 (N.C. Gen. Stat. § 96-11.2).
2. The Governor will limit the sale of food, beverages, wine, beer, and liquor to take out, drive-through and delivery effective at 5 pm today.

The Governor respectfully requests your concurrence on these matters by 1:15 p.m. on March 17, 2020.

Best,
Will Polk

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Raleigh, NC 27699-4201
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EMAIL ADDRESS: Will.Polk@ncdps.gov
www.ncdps.gov

From: willpolk@ncdps.gov and willpolk@ncdps.gov may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official

Subject: [External] Re: [Caution: External Mail] Concurrence on Executive Order

Date: Tuesday, March 17, 2020 at 12:45:18 PM Eastern Daylight Time

From: Jennell Baughman

To: Mark Johnson, 'DPI-assitant meredith.steadman, Britt, Art, Berry, Cherie, Haigwood, Jennifer, 'danforest@me.com', Forest, Dan J, McLeod, Gregory S, Whichard, Jordan, White, Julia W, Jones, Kristi - Governor Office, Cooper, Roy A, Hargis, Scarlett W, Walker, Steven, Moore, Susan M, McKinney, William C, Smith, David, Worley, Martha S, Troxler, Steve, Hedgecock, Zane, Beth Wood, Renee_Gellerson@ncauditor.net, Frazier Lisa, Causey, Mike, Browning, Teresa, AG Candy Finley -, Josh Stein, seth Dearmin, Hooks, Erik A. (NCDPS), Gilchrist, Jane (CCPS), Sprayberry, Mike (NCEM), Cashwell, Pamela (CCPS), Polk, Will (CCPS), Anna.Yount, chris farr, Christopher McCracken, Office Cindy Esparragoza - Treasurer, folwell, dale, Dale Folwell, Perusse, Charlie, Lockamy, Kela W, E. Marshall

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Secretary Marshall concurs.

Jennell Baughman
Protocol Officer and
Executive Assistant to
Elaine F. Marshall, Secretary of State
P.O. Box 29622
Raleigh, NC 27626-0622
919.814.5307
919.807.2010 (fax)

* Please note: my telephone number has changed to 919.814.5307, and my e-mail address has changed to jbaughman@sosnc.gov.

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[https://urldefense.com/v3/_https://twitter.com/NCSecState_!!HYmSToolPHoSKsjQEmpPDp4P1fyWU74srTq1hVP1Lm7wKaDwugrpHFWdhfVe3w6PoFP0tLPuDo\\$](https://urldefense.com/v3/_https://twitter.com/NCSecState_!!HYmSToolPHoSKsjQEmpPDp4P1fyWU74srTq1hVP1Lm7wKaDwugrpHFWdhfVe3w6PoFP0tLPuDo$)

YouTube:

[https://urldefense.com/v3/_https://www.youtube.com/c/NCSecState_!!HYmSToolPHoSKsjQEmpPDp4P1fyWU74srTq1hVP1Lm7wKaDwugrpHFWdhfVe3w6PoFPyDIPmhQ\\$](https://urldefense.com/v3/_https://www.youtube.com/c/NCSecState_!!HYmSToolPHoSKsjQEmpPDp4P1fyWU74srTq1hVP1Lm7wKaDwugrpHFWdhfVe3w6PoFPyDIPmhQ$)

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>>> "Polk, Will" <Will.Polk@ncdps.gov> 3/17/2020 12:41 PM >>>

Dear Members of the Council of State,

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Best,
Will Polk

Will Polk
Assistant General Counsel
NC Department of Public Safety
4201 Mail Service Center

Raleigh, NC 27699-4201

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919-219-4534 (mobile)

EMAIL ADDRESS: Will.Polk@ncdps.gov<mailto:Will.Polk@ncdps.gov>

<http://www.ncdps.gov><<http://www.ncdps.gov/>>

Subject: [External] Re: Concurrence on Executive Order

Date: Tuesday, March 17, 2020 at 12:45:23 PM Eastern Daylight Time

From: dan forest

To: Polk, Will (CCPS)

CC: Worley, Martha S, Josh Stein, Candy Finley, Cashwell, Pamela (CCPS), Jones, Kristi - Governor Office, Britt, Art, chris farr, Christopher McCracken, cindy.esparragoza, Causey, Mike, Troxler, Steve, folwell, dale, Dale Folwell, Forest, Dan J, Smith, David, White, Julia W, Sprayberry, Mike (NCEM), Browning, Teresa, seth Dearmin, DPI-assitant meredith.steadman, Gilchrist, Jane (CCPS), Cooper, Roy A, Hooks, Erik A. (NCDPS), Haigwood, Jennifer, Whichard, Jordan, Berry, Cherie, lisa.frazier, Lockamy, Kela W, McLeod, Gregory S, Moore, Susan M, Renee_Gellerson@ncauditor.net, Hargis, Scarlett W, E. Marshall, SOS- Assistant Jennell Baughman, Beth Wood, Perusse, Charlie, Mark Johnson, Anna.Yount, Walker, Steven, McKinney, William C, Hedgecock, Zane

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In # 2 are you asking for concurrence in something the Governor has already announced?

Daniel J. Forest
Lieutenant Governor
State of North Carolina

Sent from my iPhone

On Mar 17, 2020, at 12:42 PM, Polk, Will <Will.Polk@ncdps.gov> wrote:

Dear Members of the Council of State,

Governor Cooper is requesting your concurrence on two items to limit human suffering and limit the spread of COVID-19 cases in North Carolina.

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Best,
Will Polk

Will Polk
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Raleigh, NC 27699-4201
919-825-2706 (Office)
919-219-4534 (mobile)
EMAIL ADDRESS: Will.Polk@ncdps.gov
www.ncdps.gov

Subject: Re: [External] Re: [Caution: External Mail] Concurrence on Executive Order

Date: Tuesday, March 17, 2020 at 1:00:59 PM Eastern Daylight Time

From: Causey, Mike

To: Jennell Baughman

CC: Mark Johnson, ' 'DPI-assitant meredith.steadman, Britt, Art, Berry, Cherie, Haigwood, Jennifer, danforest@me.com, Forest, Dan J, McLeod, Gregory S, Whichard, Jordan, White, Julia W, Jones, Kristi - Governor Office, Cooper, Roy A, Hargis, Scarlett W, Walker, Steven, Moore, Susan M, McKinney, William C, Smith, David, Worley, Martha S, Troxler, Steve, Hedgecock, Zane, Beth Wood, Renee_Gellerson@ncauditor.net, Frazier Lisa, Browning, Teresa, AG Candy Finley -, Josh Stein, seth Dearmin, Hooks, Erik A. (NCDPS), Gilchrist, Jane (CCPS), Sprayberry, Mike (NCEM), Cashwell, Pamela (CCPS), Polk, Will (CCPS), Anna.Yount, chris farr, Christopher McCracken, Office Cindy Esparragoza - Treasurer, folwell, dale, Dale Folwell, Perusse, Charlie, Lockamy, Kela W, E. Marshall

I feel this needs further discussion.

Mike Causey
Commissioner
NC Department Insurance
.....Sent from my iPhone

> On Mar 17, 2020, at 12:44 PM, Jennell Baughman <jbaughman@sosnc.gov> wrote:

>

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>

> Secretary Marshall concurs.

>

> Jennell Baughman

> Protocol Officer and

> Executive Assistant to

> Elaine F. Marshall, Secretary of State

> P.O. Box 29622

> Raleigh, NC 27626-0622

> 919.814.5307

> 919.807.2010 (fax) \

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> * Please note: my telephone number has changed to 919.814.5307, and my

> e-mail address has changed to jbaughman@sosnc.gov.

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z8xGrw7HQjXQx3vkeQJWykF5igDj98ApNtAONBEu31GES

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>>>> "Polk, Will" <Will.Polk@ncdps.gov> 3/17/2020 12:41 PM >>>

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> human suffering and limit the spread of COVID-19 cases in North
> Carolina.

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> available State resources as reasonably necessary to cope with an
> emergency, including the transfer and direction of personnel or
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> Gen. Stat. § 166A-19.30(b)(5) which allows the Governor to perform and
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> individuals who are paid benefits for reasons related to COVID-19 (N.C.
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>

>

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> 1:15 p.m. on March 17, 2020.
> Best,
> Will Polk
>
> Will Polk
> Assistant General Counsel
> NC Department of Public Safety
> 4201 Mail Service Center
> Raleigh, NC 27699-4201
> 919-825-2706 (Office)
> 919-219-4534 (mobile)
> EMAIL ADDRESS: Will.Polk@ncdps.gov<<mailto:Will.Polk@ncdps.gov>>
> <http://www.ncdps.gov><<http://www.ncdps.gov/>>
>
>

Subject: [External] Re: Concurrence on Executive Order

Date: Tuesday, March 17, 2020 at 1:01:45 PM Eastern Daylight Time

From: Stein, Josh

To: Polk, Will (CCPS)

CC: Worley, Martha S, Finley, Candy, Cashwell, Pamela (CCPS), Jones, Kristi - Governor Office, Britt, Art, chris farr, Christopher McCracken, cindy.esparragoza, Causey, Mike, Troxler, Steve, folwell, dale, Dale Folwell, Forest, Dan J, Smith, David, White, Julia W, Sprayberry, Mike (NCEM), Browning, Teresa, seth Dearmin, DPI-assitant meredith.steadman, Gilchrist, Jane (CCPS), Cooper, Roy A, Hooks, Erik A. (NCDPS), Haigwood, Jennifer, Whichard, Jordan, Berry, Cherie, lisa.frazier, Lockamy, Kela W, Lt. Governor Dan Forest, McLeod, Gregory S, Moore, Susan M, Renee_Gellerson@ncauditor.net, Hargis, Scarlett W, E. Marshall, SOS- Assistant Jennell Baughman, Beth Wood, Perusse, Charlie, Mark Johnson, Anna.Yount, Walker, Steven, McKinney, William C, Hedgecock, Zane

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I concur.

On Mar 17, 2020, at 12:42 PM, Polk, Will <Will.Polk@ncdps.gov> wrote:

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Raleigh, NC 27699-4201
919-825-2706 (Office)
919-219-4534 (mobile)
EMAIL ADDRESS: Will.Polk@ncdps.gov
www.ncdps.gov

Subject: [External] Re: Concurrence on Executive Order

Date: Tuesday, March 17, 2020 at 1:42:12 PM Eastern Daylight Time

From: Dan Forest

To: Polk, Will (CCPS)

CC: Worley, Martha S, Josh Stein, Candy Finley, Cashwell, Pamela (CCPS), Jones, Kristi - Governor Office, Britt, Art, chris farr, Christopher McCracken, cindy.esparragoza, Causey, Mike, Troxler, Steve, folwell, dale, Dale Folwell, Forest, Dan J, Smith, David, White, Julia W, Sprayberry, Mike (NCEM), Browning, Teresa, seth Dearmin, DPI-assitant meredith.steadman, Gilchrist, Jane (CCPS), Cooper, Roy A, Hooks, Erik A. (NCDPS), Haigwood, Jennifer, Whichard, Jordan, Berry, Cherie, lisa.frazier, Lockamy, Kela W, McLeod, Gregory S, Moore, Susan M, Renee_Gellerson@ncauditor.net, Hargis, Scarlett W, E. Marshall, SOS- Assistant Jennell Baughman, Beth Wood, Perusse, Charlie, Mark Johnson, Anna.Yount, Walker, Steven, McKinney, William C, Hedgecock, Zane

Priority: High

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Will, Here are my thoughts on the concurrence:

As to number 1 (Unemployment Insurance) - Insofar as the statutory provisions the Governor is seeking to waive are indeed waivable by the Governor by executive order, I concur with request number one. I do note however that there must be some sort of restriction as to what statutes a governor would be able to suspend enforcement of under 166A-19.30(b)(5).

As to number 2 (Restaurants) - I believe there should be flexibility for restaurants & other establishments. I would strongly encourage them to move to take-out and delivery only. We are talking here about shutting down a large swath of business across this state by executive action. What restrictions exist on gubernatorial power under 166A-19.30(b)(5)? I do not concur in request number 2.

Thanks,
Dan Forest

On Mar 17, 2020, at 12:41 PM, Polk, Will <Will.Polk@ncdps.gov> wrote:

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Will Polk
Assistant General Counsel
NC Department of Public Safety
4201 Mail Service Center
Raleigh, NC 27699-4201
919-825-2706 (Office)
919-219-4534 (mobile)
EMAIL ADDRESS: Will.Polk@ncdps.gov
www.ncdps.gov

Subject: [External] Re: Concurrence on Executive Order

Date: Tuesday, March 17, 2020 at 2:08:59 PM Eastern Daylight Time

From: Dale Folwell

To: Dan Forest, Polk, Will (CCPS)

CC: Worley, Martha S, Josh Stein, Candy Finley, Cashwell, Pamela (CCPS), Jones, Kristi - Governor Office, Britt, Art, chris farr, Christopher McCracken, cindy.esparragoza, Causey, Mike, Troxler, Steve, Forest, Dan J, Smith, David, White, Julia W, Sprayberry, Mike (NCEM), Browning, Teresa, seth Dearmin, DPI-assitant meredith.steadman, Gilchrist, Jane (CCPS), Cooper, Roy A, Hooks, Erik A. (NCDPS), Haigwood, Jennifer, Whichard, Jordan, Berry, Cherie, lisa.frazier, Lockamy, Kela W, McLeod, Gregory S, Moore, Susan M, Renee_Gellerson@ncauditor.net, Hargis, Scarlett W, E. Marshall, SOS- Assistant Jennell Baughman, Beth Wood, Perusse, Charlie, Mark Johnson, Anna.Yount, Walker, Steven, McKinney, William C, Hedgecock, Zane

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Governor Cooper,

These executive orders should be split. Especially since you've already publicized Item #2

Item #1 should be thought through to make sure that it is actually "operational" by your own Dept of Commerce which manages the Division of Employment Security AND that it is in compliance with Federal/State laws. The last point of Item #1 seems to encourage business to lay off individuals when WE should REWARD them for not laying them off. I could be wrong.

On item #2, it should highly encourage these limitations on operations, NOT mandate them. The eating establishments that I frequent are 2 steps ahead. We should honor their tough decisions and the common sense of North Carolinian's. (Not to mention the total disruption of the LARGEST component of NC's economy)

Lastly I would appreciate you or anyone connected with you NOT politicizing any heartfelt and genuine suggestions that any Council of State member offers.

Dale R Folwell, CPA
NC State Treasurer

Dale R. Folwell, CPA
NC State Treasurer
Office of the State Treasurer
Office: (919) 814-3807
<https://www.nctreasurer.com/esignature%20public%20files/line.png>
3200 Atlantic Avenue, Raleigh, NC 27604
www.NCTreasurer.com

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On Tue, Mar 17, 2020 at 1:43 PM -0400, "Dan Forest" <danforest@me.com> wrote:

Will, Here are my thoughts on the concurrence:

As to number 1 (Unemployment Insurance) - Insofar as the statutory provisions the Governor is seeking to waive are indeed waivable by the Governor by executive order, I concur with request number one. I do note however that there must be some sort of restriction as to what statutes a governor would be able to suspend enforcement of under 166A-19.30(b)(5).

As to number 2 (Restaurants) - I believe there should be flexibility for restaurants & other establishments. I would strongly encourage them to move to take-out and delivery only. We are talking here about shutting down a large swath of business across this state by executive action. What restrictions exist on gubernatorial power under 166A-19.30(b)(5)? I do not concur in request number 2.

Thanks,
Dan Forest

On Mar 17, 2020, at 12:41 PM, Polk, Will <Will.Polk@ncdps.gov> wrote:

Dear Members of the Council of State,

Governor Cooper is requesting your concurrence on two items to limit human suffering and limit the spread of COVID-19 cases in North Carolina.

Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), in order to utilize all available State resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services; and, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5) which allows the Governor to perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population, the Governor is seeking concurrence on the following:

1. The Governor will direct the Department of Commerce to interpret flexibly, and modify or eliminate the enforcement of certain requirements for unemployment benefits to the maximum extent permitted under federal law and until the State of Emergency Declaration regarding COVID-19, dated March 10, 2020, is rescinded. The following requirements will be waived or modified:
 - a. the one-week waiting period for benefits (N.C. Gen. Stat. § 96-14.1(b));
 - b. the able to work and available to work requirements (N.C. Gen. Stat. § 96-14.9(b));
 - c. the work search requirements (N.C. Gen. Stat. § 96-14.9(b));
 - d. the actively seeking work requirements (N.C. Gen. Stat. § 96-14.9(e)); and
 - e. the "lack of work" requirement of the unemployed provisions of N.C. Gen. Stat. § 96-15.01.
 - f. employers' accounts will not be allocated charges for individuals who are paid benefits for reasons related to COVID-19 (N.C. Gen. Stat. § 96-11.2).
2. The Governor will limit the sale of food, beverages, wine, beer, and liquor to take out, drive-through and delivery effective at 5 pm today.

The Governor respectfully requests your concurrence on these matters by 1:15 p.m. on March 17, 2020.

Best,
Will Polk

Will Polk
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EMAIL ADDRESS: Will.Polk@ncdps.gov
www.ncdps.gov

Subject: Re: [External] Re: [Caution: External Mail] Concurrence on Executive Order

Date: Tuesday, March 17, 2020 at 2:22:34 PM Eastern Daylight Time

From: Troxler, Steve

To: Causey, Mike, Jennell Baughman

CC: Mark Johnson, ' 'DPI-assitant meredith.steadman, Britt, Art, Berry, Cherie, Haigwood, Jennifer, danforest@me.com, Forest, Dan J, McLeod, Gregory S, Whichard, Jordan, White, Julia W, Jones, Kristi - Governor Office, Cooper, Roy A, Hargis, Scarlett W, Walker, Steven, Moore, Susan M, McKinney, William C, Smith, David, Worley, Martha S, Hedgecock, Zane, Beth Wood, Renee_Gellerson@ncauditor.net, Frazier Lisa, Browning, Teresa, AG Candy Finley -, Josh Stein, seth Dearmin, Hooks, Erik A. (NCDPS), Gilchrist, Jane (CCPS), Sprayberry, Mike (NCEM), Cashwell, Pamela (CCPS), Polk, Will (CCPS), Anna.Yount, chris farr, Christopher McCracken, Office Cindy Esparragoza - Treasurer, folwell, dale, Dale Folwell, Perusse, Charlie, Lockamy, Kela W, E. Marshall

As to #1, I do concur.

As to #2, I do not concur.

Steven W. Troxler

Commissioner
NC Department of Agriculture and Consumer Services

Please note our new number is: 919-707-3000
Fax 919-733-1141

From: Causey, Mike <Mike.Causey@ncdoi.gov>

Sent: Tuesday, March 17, 2020 1:00 PM

To: Jennell Baughman <jbaughman@sosnc.gov>

Cc: Mark Johnson <mark.johnson@dpi.nc.gov>; ' 'DPI-assitant meredith.steadman <meredith.steadman@dpi.nc.gov>; Britt, Art <art.britt@labor.nc.gov>; Berry, Cherie <cherie.berry@labor.nc.gov>; Haigwood, Jennifer <jennifer.haigwood@labor.nc.gov>; danforest@me.com <danforest@me.com>; Forest, Dan J <Dan.Forest@nc.gov>; McLeod, Gregory S <Greg.McLeod@nc.gov>; Whichard, Jordan <Jordan.Whichard@nc.gov>; White, Julia W <Julia.white@nc.gov>; Jones, Kristi - Governor Office <Kristi.Jones@nc.gov>; Cooper, Roy A <Roy.Cooper@nc.gov>; Hargis, Scarlett W <Scarlett.Hargis@nc.gov>; Walker, Steven <steven.walker@nc.gov>; Moore, Susan M <Susan.Moore@nc.gov>; McKinney, William C <William.McKinney@nc.gov>; Smith, David <david.smith@ncagr.gov>; Worley, Martha S <martha.worley@ncagr.gov>; Troxler, Steve <steve.troxler@ncagr.gov>; Hedgecock, Zane <zane.hedgecock@ncagr.gov>; Beth Wood <Beth_Wood@ncauditor.net>; Renee_Gellerson@ncauditor.net <Renee_Gellerson@ncauditor.net>; Frazier Lisa <Lisa.Frazier@ncdoi.gov>; Browning, Teresa <Teresa.Browning@ncdoi.gov>; AG Candy Finley - <cfinley@ncdoj.gov>; Josh Stein <jstein@ncdoj.gov>; seth Dearmin <sdearmin@ncdoj.gov>; Hooks, Erik A. (NCDPS) <erik.hooks@ncdps.gov>; Gilchrist, Jane (CCPS) <Jane.Gilchrist@ncdps.gov>; Sprayberry, Mike (NCEM) <Mike.Sprayberry@ncdps.gov>; Cashwell, Pamela (CCPS) <pam.cashwell@ncdps.gov>; Polk, Will (CCPS) <Will.Polk@ncdps.gov>; Anna.Yount <Anna.Yount@nctreasurer.com>; chris farr <chris.farr@nctreasurer.com>; Christopher McCracken <Christopher.McCracken@nctreasurer.com>; Office Cindy Esparragoza - Treasurer <Cindy.Esparragoza@nctreasurer.com>; folwell, dale <dale@nctreasurer.com>; Dale Folwell <Dale.folwell@nctreasurer.com>; Perusse, Charlie <charles.perusse@osbm.nc.gov>; Lockamy, Kela W <kela.lockamy@osbm.nc.gov>; E. Marshall <emarshal@sosnc.gov>

Subject: Re: [External] Re: [Caution: External Mail] Concurrence on Executive Order

I feel this needs further discussion.

Mike Causey
Commissioner
NC Department Insurance
.....Sent from my iPhone

> On Mar 17, 2020, at 12:44 PM, Jennell Baughman <jbaughman@sosnc.gov> wrote:

>

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>

>

> Secretary Marshall concurs.

>

> Jennell Baughman

> Protocol Officer and

> Executive Assistant to

> Elaine F. Marshall, Secretary of State

> P.O. Box 29622

> Raleigh, NC 27626-0622

> 919.814.5307

> 919.807.2010 (fax)

>

> * Please note: my telephone number has changed to 919.814.5307, and my

> e-mail address has changed to jbaughman@sosnc.gov.

>

>

>

>

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>>>> "Polk, Will" <Will.Polk@ncdps.gov> 3/17/2020 12:41 PM >>>

> Dear Members of the Council of State,

> Governor Cooper is requesting your concurrence on two items to limit

> human suffering and limit the spread of COVID-19 cases in North

> Carolina.

> Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), in order to utilize all

> available State resources as reasonably necessary to cope with an

> emergency, including the transfer and direction of personnel or

> functions of State agencies or units thereof for the purpose of

> performing or facilitating emergency services; and, pursuant to N.C.

> Gen. Stat. § 166A-19.30(b)(5) which allows the Governor to perform and

> exercise such other functions, powers and duties as are necessary to

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> COVID-19, dated March 10, 2020, is rescinded. The following requirements

> will be waived or modified:

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> Stat. § 96-14.9(b));

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> and liquor to take out, drive-through and delivery effective at 5 pm

> today.

>

> The Governor respectfully requests your concurrence on these matters by

> 1:15 p.m. on March 17, 2020.

> Best,

> Will Polk

>

> Will Polk

> Assistant General Counsel

> NC Department of Public Safety

> 4201 Mail Service Center

> Raleigh, NC 27699-4201
> 919-825-2706 (Office)
> 919-219-4534 (mobile)
> EMAIL ADDRESS: Will.Polk@ncdps.gov<<mailto:Will.Polk@ncdps.gov>>
> <http://www.ncdps.gov><<http://www.ncdps.gov/>>
>
>

Subject: Re: [External] Re: [Caution: External Mail] Concurrence on Executive Order

Date: Tuesday, March 17, 2020 at 2:28:03 PM Eastern Daylight Time

From: Mark Johnson

To: Troxler, Steve

CC: Causey, Mike, Jennell Baughman, ' 'DPI-assitant meredith.steadman, Britt, Art, Berry, Cherie, Haigwood, Jennifer, danforest@me.com, Forest, Dan J, McLeod, Gregory S, Whichard, Jordan, White, Julia W, Jones, Kristi - Governor Office, Cooper, Roy A, Hargis, Scarlett W, Walker, Steven, Moore, Susan M, McKinney, William C, Smith, David, Worley, Martha S, Hedgecock, Zane, Beth Wood, Renee_Gellerson@ncauditor.net, Frazier Lisa, Browning, Teresa, AG Candy Finley -, Josh Stein, seth Dearmin, Hooks, Erik A. (NCDPS), Gilchrist, Jane (CCPS), Sprayberry, Mike (NCEM), Cashwell, Pamela (CCPS), Polk, Will (CCPS), Anna.Yount, chris farr, Christopher McCracken, Office Cindy Esparragoza - Treasurer, folwell, dale, Dale Folwell, Perusse, Charlie, Lockamy, Kela W, E. Marshall

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Concur with 1

Do not concur with 2

Mark
NC Superintendent

Sent from a mobile device. Please excuse brevity.

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On Mar 17, 2020, at 2:24 PM, Troxler, Steve <steve.troxler@ncagr.gov> wrote:

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As to #1, I do concur.

As to #2, I do not concur.

Steven W. Troxler
Commissioner
NC Department of Agriculture and Consumer Services

Please note our new number is: 919-707-3000
Fax 919-733-1141

From: Causey, Mike <Mike.Causey@ncdoi.gov>
Sent: Tuesday, March 17, 2020 1:00 PM
To: Jennell Baughman <jbaughman@sosnc.gov>
Cc: Mark Johnson <mark.johnson@dpi.nc.gov>; 'DPI-assitant meredith.steadman' <meredith.steadman@dpi.nc.gov>; Britt, Art <art.britt@labor.nc.gov>; Berry, Cherie <cherie.berry@labor.nc.gov>; Haigwood, Jennifer <jennifer.haigwood@labor.nc.gov>; danforest@me.com <danforest@me.com>; Forest, Dan J <Dan.Forest@nc.gov>; McLeod, Gregory S <Greg.McLeod@nc.gov>; Whichard, Jordan <Jordan.Whichard@nc.gov>; White, Julia W <Julia.white@nc.gov>; Jones, Kristi - Governor Office <Kristi.Jones@nc.gov>; Cooper, Roy A <Roy.Cooper@nc.gov>; Hargis, Scarlett W <Scarlett.Hargis@nc.gov>; Walker, Steven <steven.walker@nc.gov>; Moore, Susan M <Susan.Moore@nc.gov>; McKinney, William C <William.McKinney@nc.gov>; Smith, David <david.smith@ncagr.gov>; Worley, Martha S <martha.worley@ncagr.gov>; Troxler, Steve <steve.troxler@ncagr.gov>; Hedgecock, Zane <zane.hedgecock@ncagr.gov>; Beth Wood <Beth_Wood@ncauditor.net>; Renee_Gellerson@ncauditor.net <Renee_Gellerson@ncauditor.net>; Frazier Lisa <Lisa.Frazier@ncdoi.gov>; Browning, Teresa <Teresa.Browning@ncdoi.gov>; AG Candy Finley - <cfinley@ncdoj.gov>; Josh Stein <jstein@ncdoj.gov>; seth Dearmin <sdearmin@ncdoj.gov>; Hooks, Erik A. (NCDPS) <erik.hooks@ncdps.gov>; Gilchrist, Jane (CCPS) <Jane.Gilchrist@ncdps.gov>; Sprayberry, Mike (NCEM) <Mike.Sprayberry@ncdps.gov>; Cashwell, Pamela (CCPS) <pam.cashwell@ncdps.gov>; Polk, Will (CCPS) <Will.Polk@ncdps.gov>; Anna.Yount <Anna.Yount@nctreasurer.com>; chris farr <chris.farr@nctreasurer.com>; Christopher McCracken <Christopher.McCracken@nctreasurer.com>; Office Cindy Esparragoza - Treasurer <Cindy.Esparragoza@nctreasurer.com>; folwell, dale <dale@nctreasurer.com>; Dale Folwell <Dale.folwell@nctreasurer.com>; Perusse, Charlie <charles.perusse@osbm.nc.gov>; Lockamy, Kela W <kela.lockamy@osbm.nc.gov>; E. Marshall <emarshal@sosnc.gov>
Subject: Re: [External] Re: [Caution: External Mail] Concurrence on Executive Order

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Mike Causey
Commissioner
NC Department Insurance
.....Sent from my iPhone

> On Mar 17, 2020, at 12:44 PM, Jennell Baughman <jbaughman@sosnc.gov> wrote:
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suspicious email as an attachment to report.spam@nc.gov<<mailto:report.spam@nc.gov>>
>
>
> Secretary Marshall concurs.
>

> Jennell Baughman
> Protocol Officer and
> Executive Assistant to
> Elaine F. Marshall, Secretary of State
> P.O. Box 29622
> Raleigh, NC 27626-0622
> 919.814.5307
> 919.807.2010 (fax)

>
> * Please note: my telephone number has changed to 919.814.5307, and my
> e-mail address has changed to jbaughman@sosnc.gov.

>
>
>
>
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>>>> "Polk, Will" <Will.Polk@ncdps.gov> 3/17/2020 12:41 PM >>>>
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> Best,

> Will Polk

>

> Will Polk

> Assistant General Counsel
> NC Department of Public Safety
> 4201 Mail Service Center
> Raleigh, NC 27699-4201
> 919-825-2706 (Office)
> 919-219-4534 (mobile)
> EMAIL ADDRESS: Will.Polk@ncdps.gov<<mailto:Will.Polk@ncdps.gov>>
> <http://www.ncdps.gov><<http://www.ncdps.gov/>[ncdps.gov%3chttp]>
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>

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Subject: Re: [External] Concurrence on Executive Order
Date: Tuesday, March 17, 2020 at 2:35:45 PM Eastern Daylight Time
From: Causey, Mike
To: Worley, Martha S, Josh Stein, Candy Finley, Cashwell, Pamela (CCPS), Jones, Kristi - Governor Office, Britt, Art, chris farr, Christopher McCracken, cindy.esparragoza, Troxler, Steve, folwell, dale, Dale Folwell, Forest, Dan J, Smith, David, White, Julia W, Sprayberry, Mike (NCEM), Browning, Teresa, seth Dearmin, DPI-assitant meredith.steadman , Gilchrist, Jane (CCPS), Cooper, Roy A, Hooks, Erik A. (NCDPS), Haigwood, Jennifer, Whichard, Jordan, Berry, Cherie, lisa.frazier , Lockamy, Kela W, Lt. Governor Dan Forest, McLeod, Gregory S, Moore, Susan M, Renee_Gellerson@ncauditor.net, Hargis, Scarlett W, E. Marshall, SOS- Assistant Jennell Baughman, Beth Wood, Perusse, Charlie, Mark Johnson, Anna.Yount, Walker, Steven, McKinney, William C, Hedgecock, Zane
Attachments: Outlook-1509109750.png

I concur on #1

I do not concur on #2

Thank you,



MIKE CAUSEY
INSURANCE COMMISSIONER
N.C. DEPARTMENT OF INSURANCE
1201 Mail Service Center
Raleigh NC 27699-1202
919.807.6003

From: Polk, Will <Will.Polk@ncdps.gov>
Sent: Tuesday, March 17, 2020 12:41 PM
To: Worley, Martha S <martha.worley@ncagr.gov>; Josh Stein <jstein@ncdoj.gov>; Candy Finley <cfinley@ncdoj.gov>; Cashwell, Pamela (CCPS) <pam.cashwell@ncdps.gov>; Jones, Kristi - Governor Office <Kristi.Jones@nc.gov>; Britt, Art <art.britt@labor.nc.gov>; chris farr <chris.farr@nctreasurer.com>; Christopher McCracken <Christopher.McCracken@nctreasurer.com>; cindy.esparragoza <cindy.esparragoza@nctreasurer.com>; Causey, Mike <Mike.Causey@ncdoi.gov>; Troxler, Steve <steve.troxler@ncagr.gov>; folwell, dale <dale@nctreasurer.com>; Dale Folwell <Dale.folwell@nctreasurer.com>; Forest, Dan J <Dan.Forest@nc.gov>; Smith, David <david.smith@ncagr.gov>; White, Julia W <Julia.white@nc.gov>; Sprayberry, Mike (NCEM) <Mike.Sprayberry@ncdps.gov>; Browning, Teresa <Teresa.Browning@ncdoi.gov>; seth Dearmin <sdearmin@ncdoj.gov>; DPI-assitant meredith.steadman <meredith.steadman@dpi.nc.gov>; Gilchrist, Jane (CCPS) <Jane.Gilchrist@ncdps.gov>; Cooper, Roy A <Roy.Cooper@nc.gov>; Hooks, Erik A. (NCDPS) <erik.hooks@ncdps.gov>; Haigwood, Jennifer <jennifer.haigwood@labor.nc.gov>; Whichard, Jordan <Jordan.Whichard@nc.gov>; Berry, Cherie <cherie.berry@labor.nc.gov>; lisa.frazier <lisa.frazier@ncdoi.gov>; Lockamy, Kela W <kela.lockamy@osbm.nc.gov>; Lt. Governor Dan Forest <danforest@me.com>; McLeod, Gregory S <Greg.McLeod@nc.gov>; Moore, Susan M <Susan.Moore@nc.gov>; Renee_Gellerson@ncauditor.net <Renee_Gellerson@ncauditor.net>; Hargis, Scarlett W <Scarlett.Hargis@nc.gov>; E. Marshall <emarshal@sosnc.gov>; SOS- Assistant Jennell Baughman <jbaughman@sosnc.gov>; Beth Wood <Beth_Wood@ncauditor.net>; Perusse, Charlie

<charles.perusse@osbm.nc.gov>; Mark Johnson <mark.johnson@dpi.nc.gov>; Anna.Yount
<Anna.Yount@nctreasurer.com>; Walker, Steven <steven.walker@nc.gov>; McKinney, William C
<William.McKinney@nc.gov>; Hedgecock, Zane <zane.hedgecock@ncagr.gov>

Subject: [External] Concurrence on Executive Order

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Dear Members of the Council of State,

Governor Cooper is requesting your concurrence on two items to limit human suffering and limit the spread of COVID-19 cases in North Carolina.

Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), in order to utilize all available State resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services; and, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5) which allows the Governor to perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population, the Governor is seeking concurrence on the following:

1. The Governor will direct the Department of Commerce to interpret flexibly, and modify or eliminate the enforcement of certain requirements for unemployment benefits to the maximum extent permitted under federal law and until the State of Emergency Declaration regarding COVID-19, dated March 10, 2020, is rescinded. The following requirements will be waived or modified:
 - a. the one-week waiting period for benefits (N.C. Gen. Stat. § 96-14.1(b));
 - b. the able to work and available to work requirements (N.C. Gen. Stat. § 96-14.9(b));
 - c. the work search requirements (N.C. Gen. Stat. § 96-14.9(b));
 - d. the actively seeking work requirements (N.C. Gen. Stat. § 96-14.9(e)); and
 - e. the "lack of work" requirement of the unemployed provisions of N.C. Gen. Stat. § 96-15.01.
 - f. employers' accounts will not be allocated charges for individuals who are paid benefits for reasons related to COVID-19 (N.C. Gen. Stat. § 96-11.2).
2. The Governor will limit the sale of food, beverages, wine, beer, and liquor to take out, drive-through and delivery effective at 5 pm today.

The Governor respectfully requests your concurrence on these matters by 1:15 p.m. on March 17, 2020.

Best,
Will Polk

Will Polk
Assistant General Counsel
NC Department of Public Safety
4201 Mail Service Center
Raleigh, NC 27699-4201
919-825-2706 (Office)
919-219-4534 (mobile)
EMAIL ADDRESS: Will.Polk@ncdps.gov
www.ncdps.gov

Subject: [External] RE: NOTICE for concurrence vote on new Executive Order
Date: Tuesday, March 17, 2020 at 3:20:15 PM Eastern Daylight Time
From: Dale Folwell
To: Polk, Will (CCPS), Worley, Martha S, Josh Stein, Candy Finley, Jones, Kristi - Governor Office, Britt, Art, chris farr, Christopher McCracken, cindy.esparragoza, Causey, Mike, Troxler, Steve, Forest, Dan J, Smith, David, White, Julia W, Sprayberry, Mike (NCEM), Browning, Teresa, seth Dearmin, DPI-assitant meredith.steadman , Cooper, Roy A, Haigwood, Jennifer, Whichard, Jordan, Berry, Cherie, lisa.frazier , Lockamy, Kela W, Lt. Governor Dan Forest, McLeod, Gregory S, Moore, Susan M, Renee_Gellerson@ncauditor.net, Hargis, Scarlett W, E. Marshall, SOS-Assistant Jennell Baughman, Beth Wood, Perusse, Charlie, Mark Johnson, Anna.Yount, Walker, Steven, McKinney, William C, Hedgecock, Zane
CC: Hooks, Erik A. (NCDPS), Gilchrist, Jane (CCPS), Cashwell, Pamela (CCPS)
Attachments: image001.png, image002.png, image003.png, image004.jpg, image005.png, image006.png

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Governor Cooper,
I anticipate being asked about the vote count on your executive order. Please release the vote in the next 15 minutes.
Thanks you,

Dale R. Folwell, CPA

NC State Treasurer

Office of the State Treasurer

Office: (919) 814-3807

3200 Atlantic Avenue, Raleigh, NC 27604

www.NCTreasurer.com



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NORTH CAROLINA
DEPARTMENT OF STATE TREASURER



Dale R. Folwell, CPA
DALE R. FOLWELL, CPA

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From: Polk, Will <Will.Polk@ncdps.gov>

Sent: Tuesday, March 17, 2020 11:26 AM

To: Ag Assistant Martha Worley <martha.worley@ncagr.gov>; Attorney General Josh Stein <jstein@ncdoj.gov>; Candy Finley <cfinley@ncdoj.gov>; Jones, Kristi <Krsti.jones@nc.gov>; Chief of Staff-Labor <art.britt@labor.nc.gov>; Chris Farr <Chris.Farr@nctreasurer.com>; Christopher McCracken <Christopher.McCracken@nctreasurer.com>; cindy.esparragoza <cindy.esparragoza@nctreasurer.com>; Commissioner Mike Causey <mike.causey@ncdoi.gov>; Commissioner Steve Troxler <steve.troxler@ncagr.gov>; Dale Folwell <Dale@Nctreasurer.com>; Dale Folwell <Dale@Nctreasurer.com>; dan.forest@nc.gov; david.smith@ncagr.gov; White, Julia <Julia.white@nc.gov>; Sprayberry, Mike <Mike.Sprayberry@ncdps.gov>; DOI-Assitant <Teresa.browning@ncdoi.gov>; DOJ-Chief of Staff <SDearmin@ncdoj.gov>; DPI-assitant meredith.steadman <meredith.steadman@dpi.nc.gov>; Gov. Roy Cooper <Roy.Cooper@nc.gov>; Jennifer Haigwood <jennifer.haigwood@labor.nc.gov>; Whichard, Jordan <Jordan.whichard@nc.gov>; Labor Commissioner Cherie Berry <cherie.berry@labor.nc.gov>; lisa.frazier <lisa.frazier@ncdoi.gov>; Lockamy, Kela W <kela.lockamy@osbm.nc.gov>; Lt. Governor Dan Forest <danforest@me.com>; McLeod, Greg <greg.mcleod@nc.gov>; Moore, Susan M <Susan.Moore@nc.gov>; Renee Gellerson <renee_gellerson@ncauditor.net>; Hargis, Scarlett <scarlett.hargis@nc.gov>; Secretary of State Elaine Marshall <emarshal@sosnc.gov>; SOS- Assistant Jennell Baughman <jbaughman@sosnc.gov>; State Auditor Beth Wood <beth_wood@ncauditor.net>; State Budget Director Charles Perusse <charles.perusse@osbm.nc.gov>; Superintendent Mark Johnson <mark.johnson@dpi.nc.gov>; Anna Yount <Anna.Yount@nctreasurer.com>; Walker, Steven <steven.walker@nc.gov>; McKinney, William <william.mckinney@nc.gov>; 'zane.hedgecock@ncagr.gov' <zane.hedgecock@ncagr.gov>
Cc: Hooks, Erik A. <Erik.Hooks@ncdps.gov>; Gilchrist, Jane <Jane.Gilchrist@ncdps.gov>; Cashwell, Pam <Pam.Cashwell@ncdps.gov>

Subject: NOTICE for concurrence vote on new Executive Order

Importance: High

Dear Members of the Council of State,

Please stand by for a concurrence e-mail on a new Executive Order related to COVID-19. I will send an e-mail for your concurrence within the hour.

Best,
Will

Will Polk
Assistant General Counsel
NC Department of Public Safety
4201 Mail Service Center
Raleigh, NC 27699-4201
919-825-2706 (Office)
919-219-4534 (mobile)
EMAIL ADDRESS: Will.Polk@ncdps.gov
www.ncdps.gov

Subject: [External] Re: Dear Members of the Council of State attached is EO 117

Date: Tuesday, March 17, 2020 at 4:42:02 PM Eastern Daylight Time

From: Dale Folwell

To: Polk, Will (CCPS), Worley, Martha S, Josh Stein, Candy Finley, Jones, Kristi - Governor Office, Britt, Art, chris farr, Christopher McCracken, cindy.esparragoza, Causey, Mike, Troxler, Steve, Forest, Dan J, Smith, David, White, Julia W, Sprayberry, Mike (NCEM), Browning, Teresa, seth Dearmin, DPI-assitant meredith.steadman, Cooper, Roy A, Haigwood, Jennifer, Whichard, Jordan, Berry, Cherie, lisa.frazier, Little, Tracy A, Lockamy, Kela W, Lt. Governor Dan Forest, McLeod, Gregory S, Moore, Susan M, Renee_Gellerson@ncauditor.net, E. Marshall, SOS- Assistant Jennell Baughman, Beth Wood, Perusse, Charlie, Mark Johnson, Anna.Yount, Walker, Steven, McKinney, William C, Hedgecock, Zane

CC: Cohen, Mandy, Hooks, Erik A. (NCDPS), Cashwell, Pamela (CCPS), Gilchrist, Jane (CCPS), Sprayberry, Mike (NCEM), Ray, Will (NCEM), Tilson, Betsey

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To confirm:

Item 1 needs to be discussed before I concur

Item 2 needs to be discussed before I concur.

Dale R. Folwell, CPA

NC State Treasurer

Office of the State Treasurer

Office: (919) 814-3807

<https://www.nctreasurer.com/esignature%20public%20files/line.png>

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On Sat, Mar 14, 2020 at 6:08 PM -0400, "Polk, Will" <Will.Polk@ncdps.gov> wrote:

Dear Members of the Council of State,

Thank you for your concurrence today on these executive actions by the Governor. Attached is the Executive Order that was issued today.

Best,
Will Polk

Will Polk
Assistant General Counsel
NC Department of Public Safety
4201 Mail Service Center
Raleigh, NC 27699-4201
919-825-2706 (Office)
919-219-4534 (mobile)
EMAIL ADDRESS: Will.Polk@ncdps.gov
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